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# STATE PAPERS

COLONIAL (SERIES)

## AMERICA AND WEST INDIES

VOL. XLII

1735—1736

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LONDON

PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

1953





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1953

Price £3 3s. 0d. net

PRINTED IN GREAT BRITAIN



## CONTENTS

	PAGE
PREFATORY NOTE - - - - -	iv
INTRODUCTION - - - - -	v
CALENDAR - - - - -	1
INDEX OF PERSONS - - - - -	395
INDEX OF PLACES AND THINGS - - - - -	424



## PREFATORY NOTE

THE Text of this Volume was prepared by the late Dr. A. P. Newton, D.Lit., F.S.A., Emeritus Professor of Imperial History in the University of London and Fellow of King's College. The MS. material for it, drawn from the several Colonial Office Classes of *Original Correspondence* and *Entry Books of Correspondence* for the American and West Indian Colonies, had been accumulated by Mr. Cecil Headlam, the previous Editor of the Series; and this was edited and passed through the press by Dr. Newton, during the Deputy Keepership of Sir Cyril Flower, C.B., between 1939 and 1940.

The Introduction has been written by Mr. K. G. Davies, M.A., Fellow of New College, Oxford; and the Indexes compiled by Mrs. C. Headlam.

The delay in the appearance of the Volume has been largely due to circumstances arising from the War.

*February, 1953.*

HILARY JENKINSON.



## INTRODUCTION.

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This volume, like its predecessor, covers a period of eighteen months, from July 1735 to December 1736. It contains 508 Abstracts, to which must be added a small number of Papers which were overlooked when the Calendar was compiled. These will in due course be incorporated in an Addenda Volume. When this and the previous volume were in the course of preparation the intention was to publish the Georgia Records in a separate Calendar on the grounds that that Colony was administratively distinct from other Provinces immediately under the Secretary of State. For this reason the Archives of the Trustees of Georgia are not included in this volume although they form part of the Colonial Office group of Records.

The functions of the Board of Trade and Plantations and its relations with the Secretary of State have been fully described in earlier Introductions in this Series. In discharging its chief task of supplying the Crown with advice and information about colonial and commercial matters it was necessary that the Board should be adequately apprised of the relevant business transacted in the Secretary's Office. This necessary liaison does not seem always to have existed, and to that extent the Records of the Board may be imperfect. In July 1736, for example, the Board complained to the Secretary of State of his failure to inform it of Commissions, Orders and Instructions which had passed through his hands (43). The Board on this occasion was particularly concerned with the Secretary's neglect to advise it of the issue of licences of absence to Members of colonial Councils. Some months previously it had discovered that two Members of the Council of Montserrat had been absent without leave, one for six years and the other for three



(*Journal of the Commissioners of Trade and Plantations, 1735-1741*, p. 46). Unless it received regular notification of such grants it would be unable adequately to advise the Crown.

The inclusion in the Colonial Calendar of the surviving Records of both the Secretary and the Board deprives such imperfections of anything but an academic interest for users of this and other volumes. The existence of the Board of Trade, indeed, often leads to an excessive duplication of information. Some over-zealous colonial Governors wrote Dispatches for the Secretary and the Board which, though not copies, contain substantially the same material. For example, the long Dispatches which President Clarke, Acting Governor of New York, wrote to the Secretary of State often covered much the same ground as those which he wrote to the Board of Trade. Whatever defects the Board of Trade may have diagnosed in its own Records appear at this date to have been redeemed by the Secretary, and *vice versa*. An examination of C. M. Andrews' and F. G. Davenport's *Guide to the Manuscript Materials for the History of the United States to 1783 in the British Museum, in Minor London Archives, and in the Libraries of Oxford and Cambridge* (Carnegie Institution Publications No. 90, Washington, 1908) for the period covered by this volume suggests that very few official Papers have strayed from their proper Custodians. Copies of official Records abound in the Newcastle Papers preserved in the British Museum, but original Documents relevant to the colonial history of this date are seemingly few.

In previous Introductions, general observations on constitutional and administrative matters have been followed by detailed comments upon the history of each of the British Colonies. During the period with which this volume deals several of the smaller Colonies enjoyed a relatively uneventful existence and the Documents referring to them are few in number and of only local significance. This Introduction will accordingly be concerned primarily with questions of a more general nature.



In 1735 and 1736, as in other years, the Board of Trade and Plantations, the Committee of the Privy Council for Plantation Affairs and the Secretary of State had to deal with a great variety of matters, some of which had an importance out of proportion to the time which was given to them. But two problems, because of their magnitude and their urgency, dominated all others and are reflected in many of the Papers in this volume. These problems were, first, the growing economic, political and military power of France in North America and the West Indies, and, secondly, the need to increase the white population of the British Colonies. Since a large and virile population was seen to be the cheapest and most effective answer to French claims and encroachments the two questions were closely inter-related. But for convenience they will be considered separately.

The French menace, for such it was felt to be, was most serious in the extreme North, in Newfoundland and Nova Scotia, and in the South, in the Caribbean Sea. But while these were the focal points of danger there was hardly a British Colony which was not in some degree threatened by the rising French power. Georgia and the Carolinas were susceptible to attack from New Orleans and the French settlements on the Mississippi (349, 381), but even more serious was the possibility that all the British mainland Colonies might be encircled and exposed to assault from the rear. In a Dispatch of 16 August 1736 Lieutenant-Governor Broughton of North Carolina expressed his fears to the Board of Trade: "The French have settled a communication from Canada to the mouth of the Mississippi River, and we have too much reason to apprehend, from frequent attempts of this sort that they are endeavouring to destroy the Indians in friendship with the English, or to force them into their service during the time of peace, that they may be enabled whenever a war shall happen, to gain an easy passage and without interruption to attack any of the English settlements on this Continent" (381).

In Newfoundland it was the economic rather than the political or military aspects of French power which gave



most cause for anxiety. Two Dispatches from Captain Fitzroy Henry Lee, the naval Officer acting as Governor of Newfoundland, give a valuable picture of the state of that Colony (119, 389). Although they were both intended to be read in conjunction with the Interrogatories to which they supplied answers, they nevertheless provide useful evidence of the organization of the Fishing Industry. Both Dispatches stressed the serious character of French competition. In the first, Lee wrote that while unable to get any certain account of the French Fishery he believed that their technique of curing fish was more successful than our own and accordingly they obtained better prices (*p.* 71). In the second he was more explicit; the English in their efforts to beat one another to the market shipped fish before it was properly cured. Consequently French catches regularly sold in Italy at one dollar the quintal above the price obtained by the English (*pp.* 280-1). Governor Lee, however, was satisfied that the fault lay with the English, and he had no serious complaint to make of illegal French encroachments. For example, he acquitted them of the charge of infringing the Treaty of Utrecht by fishing at Port aux Basques (*p.* 278).

In Nova Scotia the danger was closer and graver. A report to the Board of Trade by Captain Thomas Coram, R.N. (22) and the Dispatches of Lieutenant-Governor Laurence Armstrong testify to the difficulties created or exploited by the French. Coram, writing of the need to people Nova Scotia with loyal Protestants, prophesied that "in case of a rupture with France, that whole province will without doubt be utterly lost for want of good and faithfull inhabitants". He had no doubt of the gravity of French economic rivalry both in the Fisheries and in other branches of imperial trade: "as the French have already beat us clear out of the indigo trade, and have unexpectedly disabled and overtoped us in the suger trade, they want only a great and extend'd navigation to establish a maritime force equal to any of their neighbours, and as the most compendious way thereto is to beat us out of the codd-fishing: if ever that



should happen, it would be the greatest blow that ever was given to the British Navigation". Lieutenant-Governor Armstrong, too, had a low opinion of the loyalty to the British Crown of the French inhabitants of Nova Scotia. During his tour up to the Bay of Fundy in 1735 he had formed the conclusion that only his presence made them put on a show of loyalty (117). In a later Dispatch he returned to the same theme. It was impossible to govern the Province properly from Annapolis unless blockhouses were constructed and garrisons planted in the remoter parts. Not only were the French rebelliously-inclined themselves, but they also incited the Indians against the British Government (195). In this disaffection, the Lieutenant-Governor alleged, they were encouraged and sustained by the presence of "Romish priests who contemn and disclaim H.M. Sovereignty, civil power and authority, and in opposition there unto set up an independent jurisdiction" (340). The position of these priests was guaranteed by the Treaty of Utrecht, but the British claimed that they should nevertheless be subject to the lawful orders of the Crown during their ministry. Whether the French were actually abusing their treaty-rights in this respect is not clear, but the presence of the priests was certainly a potential threat to British tenure of a Colony which was almost entirely Catholic (462).

Much of the Anglo-French rivalry in this region was focused on Canso which Lieutenant-Governor Armstrong described as "the key to this part of North America" (195). In a Report on the Fisheries Captain Fytche, R.N., had suggested that the French from Cape Breton were regularly encroaching on British fishing grounds and that as many as thirty of their vessels had engaged in the trade at Canso contrary to the Treaty of Utrecht. Lieutenant-Governor Armstrong was strictly enjoined to do everything in his power to prevent any encroachments of this sort (9). When he visited the place in 1735 he found great confusion and disputes between the fishermen and the Commandant. He sought to remedy the position by the appointment of a new Commandant, Major Paul



Mascarene, a man of recognized professional and personal merit. Copies of this Officer's standing and routine Orders are preserved in the British Museum (Additional Manuscripts 19069) and throw some light on conditions at this important place. Canso formed the subject of two Reports to the Board of Trade by Captain John Towry, R.N., which included some statistics of the cod and whale catches there and of the shipping engaged in the Fisheries (166, 450). Significantly the first of these Reports embodied some estimates of the French Fishery of Cape Breton and also included a statement of the formidable defences and armaments there. Canso by contrast had no fortifications at all. Further information about the British and French Fisheries in these waters is contained in the evidence of Mr. How before the Board of Trade in March 1736 (*Journal of the Commissioners of Trade and Plantations, 1735-1741*, p. 99).

Serious as it was the growth of French power in the North Atlantic did not command much attention from Parliament during 1735 and 1736. This may have been due partly to the still widely held theory which made the tropical and sub-tropical Colonies the centre-pieces of imperial policy. Compared to the Fisheries the sugar-trade was highly developed and organized so that any matter affecting the West Indies was promptly brought under Parliamentary notice. The difficult period through which the sugar-Colonies were passing in these years is reflected in numerous Documents contained in this volume and in the debates and proceedings of Parliament. An Order by the Committee of the Privy Council for Plantation Affairs referred to the "present distrest condition" of Jamaica (1); the Speaker of the Assembly of Antigua wrote of "the miseries that we now lie under by the prices of our commodities in England" (11); while from Barbados there came the gloomiest prognostications of all (51, 142, 202, 204, 494 iv).

The reasons for the sad condition of Jamaica do not appear to have been so directly connected with the depression in the sugar-trade as was the case in Barbados and the Leeward Islands. Agriculture in Jamaica was



more mixed in character and less dependent upon a single cash crop. The cultivation of coffee, for example, was going forward rapidly in these years (*Journal of the Commissioners of Trade and Plantations, 1735-1741*, p. 71). Nevertheless the Colony had its problems, principally an acute shortage of white inhabitants in the face of an ever growing negro population. So long as a small number of proprietors held large tracts of the best land which they cultivated extensively or not at all, there was no possibility of increasing the white population by the settlement of smaller farmers. This matter was frequently under consideration in 1735 and the Board of Trade, at the behest of the Privy Council, prepared an Instruction to the Governor of Jamaica for an Act obliging proprietors of great estates to cultivate their lands under penalty of dispossession. Henceforth no grant of more than 1000 acres was to be made and grantees were to employ one white man for every 100 acres (1, 19). This Instruction was subsequently toned down so as to make dispossession less likely, and in that form it was approved by the Queen-in-Council (36, 41). The whole question was, however, complicated by the low price of sugar then prevailing, for more intensive cultivation, unless it could be restricted to other crops, was likely to lead to over-production and a further fall in price. A Memorial from the merchants of London, Bristol and Liverpool supporting proposals for the settlement of Jamaica and for increasing the white population took the opposite view and emphasised the advantages to the planter in higher land values (148 i).

The need for settling Jamaica had a particular relevance in this period, not only because of the growing friction with France and Spain in the West Indies, but also because of the negro 'rebellion' which periodically paralyzed the life of the Colony. This episode reflected very little credit on the government of Jamaica. The merchants in the Memorial mentioned above alleged that the number of slaves in revolt was no more than three hundred (p. 96), and Governor Cunningham himself wrote that he could not learn that in two years more than ten



of the rebels had been taken (226). Eight Companies of soldiers which had been sent to Jamaica to deal with the rising remained in barracks most of the time and drank themselves to death (26, 226). It is indeed difficult to escape the conclusion that the most serious aspect of the whole affair was the frequency with which the Government of the Colony imposed martial law, a matter which caused the Board of Trade and its legal advisers much concern (90, 124, 215). Martial law, as the English merchants pointed out, closed the law-courts and made it impossible to collect debts or to carry on business (p. 96). Some comments on this and other questions relating to Jamaica are contained in the Report of Sir Challoner Ogle's evidence to the Board of Trade and Plantations ('*Journal, 1735-1741*', p. 70).

Barbados and the Leeward Islands, though free from internal disorder, suffered more profoundly than Jamaica from the depression in sugar because of their greater dependence on it. In some measure this depression affected all producers, French as well as British. Records of the prices of sugar sold in London in the 'thirties suggest probably the lowest decennial average of the century, while the more reliable figures of prices at Amsterdam tell the same story. The British Colonies, however, not only suffered from this world-wide over-production or under-consumption of sugar but also were exposed to particular stresses from which their rivals were free. These stresses are referred to many times in the Dispatches from Barbados contained in this volume, but they are nowhere so conveniently summarized as in the Reports of the Parliamentary Debates of 1736. The House of Commons had the state of the West Indian Colonies under consideration on a number of occasions in the spring of this year, mainly as a result of the proposal to impose heavy taxes on spirits. Petitions against this measure were presented by several influential associations, giving rise to keen debates. The object of the proposal was to curb the drunkenness spread by gin, but spirits of all kinds including rum were to be taxed. This was felt by some Members to be an insupportable burden



on the sugar-producers at a time when they were already suffering from the effects of French competition (L. F. Stock, *Proceedings and Debates of the British Parliaments respecting North America*, IV, p. 304. Though sugar had been cultivated in the French Colonies from an early date it was only recently that they had become serious rivals to the older-established producers. Their new position now rested firmly on three factors which together gave them the advantage in costs both of production and of distribution. These factors are outlined in the reported speech of an Opposition Member of Parliament in April 1736 in which the declining state of the British Colonies was contrasted with the growing prosperity of the French: " Their rivals in the sugar trade enjoy a new, rich, and fertile soil, which produces plentifully without great labour or expence; while they [the British] are obliged to toil in fields worn out by continual labour, and incapable of producing anything without a vast expence. Their rivals live almost quite free from taxes, and without being at the expence of making any presents to their governors, or even of maintaining and repairing their own forts and garrisons; while they are heavily loaded with taxes upon exports as well as imports, and obliged to pay large salaries to their governors, and to maintain and repair their own fortifications: their rivals have liberty of exporting their sugars directly to any market in Europe, while they remain under a necessity of landing every ounce in Britain, and are thereby obliged to pay double freight, double commission and a great many other unnecessary charges. These disadvantages have already, I am afraid, made us lose the benefit of supplying any foreign market with sugars" (Stock, IV, pp. 306-7). It is not impossible that both politicians and planters exaggerated the predominance of the French in the sugar-trade. But at the same time French competition undoubtedly deepened the depression from which the British Colonies were suffering.

Economic rivalry was only one aspect, perhaps not the most serious, of the rising power of France in the Caribbean. Two diplomatic questions greatly exercised the



British Government and generated many of the Documents contained in this volume. Under the Anglo-French Treaty of Neutrality of 1686 each side had undertaken not to trade or fish in any places possessed by the other under penalty of confiscation. The contracting parties had further agreed on a mutual right of asylum for ships driven into port by weather or other urgent necessity. In 1727, however, the French King had issued an Edict which had greatly circumscribed this right of asylum. At the same time strangers had been forbidden not only to trade at French islands but also to sail within three miles of any French possession whether inhabited or not. This last provision was especially obnoxious since in the Leeward Islands English and French settlements lay so close to one another that the three-mile limit was meaningless ; ships with no intention of trading might be compelled to sail into the territorial waters of foreign Colonies.

French attempts to enforce this Edict led to numerous seizures and to demands by the British Colonists for counter-measures. A Memorial of West India merchants presented to the Board of Trade and Plantations in December 1736 mentioned five seizures, a sloop and the *Dolphin* taken in 1729, the *Amity* and the *Humility* in 1732, and the *Margaret* in 1734. Two other ships had been burned in 1729 (474). A useful summary of the history of the Neutrality Treaty, the effects of the French Edict of 1727 and the incidence of French depredations is contained in a Report from the Board of Trade to the Secretary of State in December 1736 (490 i). The whole question can be compared with the much better known dispute with Spain over the activities of the *guarda-costas*. Though, in the long run, Spanish depredations were to have the more serious consequences they do not, in the period covered by this volume, bulk so large as those committed by the French. The Report of the Governor of the Bahamas that the Spaniards "daily take our vessels" was a patent exaggeration (79).

While some of the French seizures appear to constitute breaches of the Treaty of Neutrality it is not to be denied



that the British for their part were also infringing its provisions, though in a different way. The French authorities were undoubtedly provoked by the persistent illicit trading of New England ships which took off molasses and rum from the French sugar-Colonies. The British Government was as anxious as the French to put a stop to this trade, but was quite unable to devise effective means of so doing. It was, in consequence, placed in a somewhat equivocal position by the French seizures, and this probably accounts for its reluctance to take the strong measures demanded by the Colonists (296).

The situation of the British Government was made yet more difficult when the Legislature of Montserrat took upon itself the task of framing measures of reprisal against the French. An Act *for the more effectual preventing all trade in those parts between H.M. subjects and the French* was passed in 1736 and received the assent of Governor Mathew (361). The purpose of this Act was frankly retaliatory, but even so it did not appear to go to the same lengths as the French Edict of 1727. Francis Fane, the legal adviser of the Board of Trade, believed that it did not give power to seize ships merely for sailing within three miles of a British Colony (431). Nevertheless, both he and the Board were satisfied that the Legislature of Montserrat had been guilty of infringing the Prerogative of the Crown, and an immediate rebuke was sent to Governor Mathew (406). On the other hand, it was admitted that some such measure might be useful in causing the French to abandon their aggressive attitude. The dilemma of the British Government was summarized by Fane when he wrote : " tho the policy of it might be right and expedient, yet the manner of doing it is so new that I think it ought to receive in this first instance the highest discountenance " (431). In their Report of 17 December 1736 the Board condemned the Act in the strongest terms and discountenanced the seizure of a French ship, the *Fleurion*, which had been made under its authority. However, they advised against disallowance and proposed that the Act should be used to



aid representations at the French Court for the repeal of the Edict of 1727 (490 i). This Report and a Memorial to the Board of Trade from the Agents of Leeward Islands (460) provide the most valuable summaries of the dispute contained in this volume. The interest of the episode, apart from its relevance to the history of Anglo-French rivalry in the Caribbean, lies in the skill with which the Legislature of an insignificant Colony such as Montserrat forced the hand of the British Government. The conflict between the public interest and the Prerogative of the Crown which was thus set up and played upon is a subject to which reference will be made later in this Introduction.

The other chief source of Anglo-French friction in the Caribbean was the old question of the evacuation of the islands of St. Vincent, St. Lucia and Dominica, which had been agreed as long ago as 1730. In a Report of 11 September 1735 the Board of Trade and Plantations advised the Duke of Newcastle that there were 117 Frenchmen able to bear arms on St. Vincent, 100 families on Dominica and six families on St. Lucia (102). Yet more serious was the apparent tendency of these numbers to increase. In November 1735 it was alleged that there were now 200 French families on St. Lucia (183 ii) and in the following July Governor Mathew reported that there were 364 families on Dominica (361). In December 1735 the Governor of Martinique wrote to President Dottin of Barbados that the French would leave St. Lucia when their cotton was harvested (208, 290 i). But in the following August President Dottin sent to the Duke of Newcastle a Report from Captain Craufurd, R. N., which showed that the French were still there in force (378 ii). The same Report mentioned the presence of a few Englishmen, said to be servants of the French, although a year earlier the Board of Trade had claimed complete evacuation. The whole dispute merged into the question of illicit trade and seizures, since these islands were focal points of the illegal commerce between French settlers and H.M. subjects (290 i). Clearly it could not be settled locally, and the Board of Trade once



again referred the matter to the Secretary of State to make such diplomatic representations as he thought fit (438).

Diplomatic exchanges, however, seldom carried such disputes very far towards solution ; they tended to be quickly submerged in the infinitely complicated international politics of eighteenth-century Europe. Such measures as the planting of garrisons and the strengthening of defences were no more than wise preparations for the trial of strength which was assumed, almost without question, to be coming. The surest preventive to French aggression in America was the presence of a large white population, sympathetically disposed towards the British Crown and ready to take up arms in its own defence. To this solution the Board of Trade and Plantations returned again and again in 1735 and 1736. Immigration was rapidly coming to be regarded as the answer to many of the Empire's problems, economic as well as military, and as the *sine qua non* of progress (for example, 221, 277). During these eighteen months at least nine proposals for settlement were examined, though not every one was given serious consideration. From the Board's actions and recommendations upon these proposals it is possible to build up some sort of picture of the type of scheme to which favour was likely to be shown. First of all, settlers were required to be Protestants and therefore instinctively ranged against France and Spain. Secondly, the scheme should provide for the greatest possible number of settlers, each occupying a small or medium-sized holding of land. Large grants of land which might remain uncultivated indefinitely were an obstacle to imperial development for they served only to discourage the smaller settler. The object in view was not merely a large population ; it was important that it should be a population of the right sort, farmers with a stake in the country who in the event of attack would have something material to defend. Finally the settlement should be strategically sited so as to serve as far as possible the purposes of imperial defence.

The three schemes in which most progress was made during this period were those for the settlement of North



Carolina. The first, sponsored by Captain George Burrington, a former Governor of that Colony, Samuel Jenner and John Ochs, was for the settlement of 6000 German and Swiss Protestants (110, 238, etc.). The conditions laid down by the settlers were extremely reasonable; they asked for naturalization, some relief from quit-rents and the right to appoint their own civil and military officers and to maintain their own poor and no one else's. They also asked that their lands should be contiguous, not dispersed, and that each gentleman should have 1000 acres and every other man 200. These potential immigrants appear to have been business-like but not exacting. Their agent stressed that "they live well at home and are not obliged by any wants or necessity to go into foreign parts" (238). Not surprisingly this project gained the approval of the Board of Trade (301).

At the same time that this scheme was under consideration the Board was busy with a similar proposal by Henry McCulloh who offered to settle at least three hundred Protestants on 132,000 acres of land about the Cape Fear River in North Carolina (241). This likewise was favourably received and the approval of the Committee of the Privy Council for Plantation Affairs was obtained (*Acts of the Privy Council, Colonial Series, 1720-1745*, pp. 490-1). A third project, sponsored by James Huey and Murray Crimble, was for the settlement of 6000 Swiss, Palatine and other foreign Protestants on 1,200,000 acres of land in the same Colony. The quantity of land requested was very great, but the Board of Trade nevertheless reported favourably on the scheme: "We cannot but think their undertaking very much for H.M. Service, and the interest of a Province where there are vast tracts of land, neither cultivated nor claim'd by any person; especially as it will be the means of encreasing H.M. quit rents, improving the trade of the Province, and extending their settlements by protecting their frontiers" (465).

Although North Carolina was in this period the chief, it was not the only, venue of settlement schemes. In New York there was a plan for giving 200 acres of land



to each of 500 Protestant families from Europe (366). Here defence considerations were especially relevant for, as President Clarke wrote, "when the Mohacks' country is settled we shall have nothing to fear from Canada". He could not have expressed more clearly the close relationship between the fear of French aggression and British plans to hasten the settlement of the Colonies. The hardy, independent, Protestant farmer could be a complete answer to the threat of French encirclement. The same strategic considerations were uppermost in a scheme put forward by Captain Coram for planting Colonists in Nova Scotia and Cat Island in the Bahamas. This plan, which was designed to contain the French in two particularly crucial areas, envisaged initial grants of 100 acres to each settler; when this had been brought into cultivation a further 100 might be granted, and so on up to a maximum of 1000 acres. Coram annexed to his proposals an interesting estimate of the cost of settling 100 families in Nova Scotia and a list of the stores which such a party would require from England (22).

The existence in North America of virtually unlimited land did not mean that settlement, whether undertaken with the blessing of the Government at home or by private enterprise, could be accomplished without some friction with previous rights. North Carolina, as we have already seen, was a Colony singled out in this period as the object of several schemes for planting settlers. The same Colony was the scene of a heated quarrel between the Governor, Gabriel Johnston, and some of the older Colonists. Two issues merged in this dispute. First, the Colonists claimed the right to pay their quit-rents in commodities of their own growth, tobacco, rice, skins, hemp and flax, after an agreed valuation. This was acceptable to the Governor, but he thought that for the older settlers at least the valuations should be in sterling rather than in the inflated money of the Province. The Colonists also sought to pay their rents at many different places in the Province, which greatly increased the costs of collection (410). Concurrently, there seemed to be a real danger that some



titles to lands held under grants dating back to the proprietary period of the Colony's history would be called into question. The former practice had been for the Governor to sign blank Patents and lodge them with the Secretary of the Colony for distribution as required, and it is not surprising that there were allegations of corruption (20, 141, 410, etc.). In his efforts to compel the Colonists to pay what he thought they owed for their lands the Governor exploited the common knowledge that plans were afoot for bringing into the Province large numbers of new settlers. A vigorous and picturesque address to the Governor by some of the inhabitants of the Colony shows how the established Colonists felt themselves to be threatened by the new immigrants: "Your Excellency also alledges that we make a great matter of paying the King two shillings per hundred acres sterling and that, if we think it a hard bargain, we may leave the King's land, for that they are the King's lands and not ours and that there are to your Excellency's knowledge thousands of industrious Protestants that would come into our places gladly and pay the Crown double the rents without clamour or noise (we thank them kindly)" (p. 79). These quarrels about quit-rents and titles were not new, but they were given greater point by the plans for promoting immigration.

The Colonists, through their Assemblies and Agents in London, were easily able to make themselves heard and to defend their interests in such matters. The Indians, however, were not in that fortunate position. Their rights might be given some consideration in the case of settlements promoted by the central Government, for friendly tribes had an important part to play in the defence of the mainland Colonies. But settlements by private individuals, careless of imperial strategy, eroded their ancient rights which, once gone, could not be retrieved. A classic example of disappropriation is set forth in this volume, the case of the Mohicans (300, 318). Their lands had been reserved to them in 1684 and confirmed in 1692. The expansion of the adjoining Colony of Connecticut, however, had driven them to seek protection



from the Crown, and a Commission sent over in 1704 had upheld their tenure. Now, thirty years later, further encroachments forced them to demand that the judgement of this Commission should be implemented (300 i and ii). The Mohicans took their case to the Board of Trade and Plantations in 1736 and their representative, Mahomet, crossed the Atlantic to give evidence at the enquiry ('*Journal, 1735-1741*', pp. 106-9). A new Commission was ordered by the Privy Council in 1740, but sixteen years later the Indians were still trying to obtain satisfaction ('*Acts of the Privy Council, Colonial Series, 1720-1745*', p. 539).

The expansion of a province, or the creation of a new one might give rise to another problem illustrated by Documents contained in this volume, the problem of inter-colonial rivalry. Georgia, in this period, was still in its infancy and still the recipient of a Parliamentary subsidy (Stock, V, pp. 243, 303). But already disputes over boundaries and trading rights with South Carolina were multiplying. In October 1735 Lieutenant-Governor Broughton wrote to the Board of Trade and Plantations complaining that Captain Patrick Mackay, Agent for Indian affairs for Georgia, had prevented traders licenced by South Carolina from carrying on their business with the Creek Indians (157). The Georgia Trustees promptly dismissed Captain Mackay, but the Government of Georgia continued to claim the right to allow trade with the Indians only under licence from itself (376). At the same time, the Council and Assembly of South Carolina alleged, the magistrates of Georgia were interfering with the free navigation of the Savannah River, the boundary between the two Colonies. Under colour of an Act to prevent the importation of rum into Georgia several consignments of liquor in process of shipment along the Savannah from one part of South Carolina to another had been seized and destroyed (pp. 373-4). South Carolina tried to argue this dispute on the principles of free trade and free navigation, but the question was more one of prohibition. Georgia, under Oglethorpe's inspiration, sought to curb the use of



liquor while South Carolina was more appreciative of its value in trade with the Indians. An early example of what was later to become a stock argument is contained in a Petition of the Assembly of South Carolina. They argued that if they did not themselves supply rum "it would put the Indians upon seeking it from the French and Spaniard who can very easily supply them with the same" (p. 375). Eventually, in 1738, the Committee of the Privy Council for Plantation Affairs devised a formula whereby Georgia granted Licences without charge to all *bona fide* applicants who had previously been approved by the Governor and Council of South Carolina (*Acts of the Privy Council, Colonial Series, 1720-1745*, pp. 512-4). Another inter-colonial dispute in agitation during this period was that between Massachusetts and New Hampshire. This long standing issue has left little record in this volume but it was frequently under consideration by the Board of Trade.

These problems of land-titles and rents, of Indian relations and of inter-colonial rivalry were all to some extent affected by immigration policy. No doubt they would have arisen anyway, but the attempt to strengthen the defences of the Empire by increasing the population and the area of land in cultivation and settlement gave them an added relevance and urgency. At the same time the British Government had to consider the establishment of new spheres of civil authority. The Board of Trade, writing to Lieutenant-Governor Armstrong of Nova Scotia, put its dilemma succinctly: "The only probable method to people the Province is to form a civil government there; but until there are English enough to compose an Assembly this cannot be done" (112). In the period covered by this volume an attempt was made to set up a new sub-area of government, though in an obscure and somewhat unconventional fashion. During the year 1735, Governor Mathew introduced "something of a Legislature in Anguilla, Spanish Town and Tortola" and set them upon framing laws on models supplied by himself (105). This was a necessary step, for the islands had long been governed by Deputy-Governors and

Councils. Settlers to the number of 300 families had lately arrived there from the Leeward Islands and the need for proper civil government was urgent. The Board of Trade, however, took the view that the Governor was encroaching upon the Prerogative of the Crown (60). The matter was deferred and in 1740 efforts were still being made to obtain civil government for these Islands ('*Acts of the Privy Council, Colonial Series, 1720-1745*', p. 678).

Parliament was fully aware of the seriousness of French rivalry in America. Apart from its investigations into the effects of French competition in the sugar trade, to which reference has already been made, the House of Commons on 12 May 1735 called for papers about the state of the British Colonies and "the danger the said colonies have been, or are apprehended to be, in, from the growing power of the French in America" (Stock, IV, p. 253). In the same session the Admiralty was required to furnish papers referring to British losses suffered at the hands of Spain in both Europe and America since 1725 (*ibid.*, p. 258). Copies of the papers produced on this occasion are preserved amongst the House of Lords MSS., *vide* C. M. Andrewes and F. G. Davenport, '*Guide to the Manuscript Materials for the History of the United States to 1783, in the British Museum, in Minor London Archives and in the Libraries of Oxford and Cambridge*', p. 209). Despite this show of interest the years 1735 and 1736 are not marked by any very notable developments in Anglo-Spanish relations in America. The situation in the Caribbean seems to have been comparatively quiet. But if the motif of Anglo-French rivalry dominated the plans and policies of the British Government, Anglo-Spanish discord, by reason of its explosion in 1739, calls for brief comment.

The activities of the Spanish *guarda-costas* figure hardly at all in this volume. Some disquiet was engendered by the seizure of the *Mercury* of New Providence which was taken four leagues off the American mainland (221 ii). But this was an exceptional case in a period of comparative tranquillity. Jamaica and the Bahamas continued



to be apprehensive of Spanish invasion, but this fear was based on their exposed geographical positions rather than on any positive knowledge of hostile preparations. In America, as in Europe, Spain was the weaker of the Bourbon powers and Britain treated her accordingly. In these years Georgia was making spectacular progress. Oglethorpe reported to the Board of Trade and Plantations in August 1735 that the number of men able to bear arms had risen in twelve months from 100 to 800 (*Journal*, 1735-41, p. 58). This growth constituted a threat to Florida which Spain could not ignore. Two Documents in this volume set out the title of each Country to the disputed territory. The British claim, an excellent example of the maxim that any title is better than none, was based on Cabot's discovery, Drake's exploits and other remote events (348 xv). Spain asserted her rights under an Agreement of 1670 reinforced by the Treaty of Utrecht, and was able to put up much the more plausible case (391 i). By these tokens the mere establishment of Georgia was contrary to Anglo-Spanish Treaties, but it is a measure of Spain's weakness that she could not do much more than try to delay and contain the southward expansion of the British Colony. Complaints were lodged about the activities of Indians sympathetic to Britain, about attacks on a Spanish fort in Florida and about the building of British forts on Spanish territory (391 i). But Spanish forces in Florida were inadequate for anything but a defensive policy. It is true that the factor of the Royal Assiento Company in Cuba, conceiving it to be his duty to advise of "all mischief that are or shall be cooking or hatching against H.M. Colonys", gave warning of a rumoured attack on Georgia from St. Augustin (469). But, broadly speaking, Georgia went about the task of securing her southern frontier without serious hindrance from Spain.

Reference has already been made in this and earlier Introductions to the preoccupation of the House of Commons with imperial business, and during 1735 and 1736 a good deal of the work of the Board of Trade was undertaken in response to orders from the Commons.

On 9 May, 1735, the House called for an Account of the money raised in the West India Colonies by certain import and export duties (Stock, IV, *p.* 253). On 12 May further calls were made for papers about French aggrandisement and about colonial laws which laid duties on British trade or shipping (*ibid.*, *pp.* 253-4). Some of the information which the Commons required could no doubt be supplied from Records in the Office of the Board. But to meet the enquiry about colonial imposts and regulations upon trade it was necessary to refer to the provincial Governments. The collection of this information provides an interesting example of the efficacy of the Board as a fact finding body. A circular letter, dated 17 June 1735, was dispatched to all Governors of Plantations in America and the West Indies (Vol. XLI, No. 598). This was five weeks after the original request by the House of Commons. The first answer to this letter, from Pennsylvania, came to hand in November 1735 (120); during January 1736 replies were received from Barbados (142), the Leeward Islands (136), and Virginia (176). More replies came in during February, March and April; that of North Carolina arrived in May (192), while that of Maryland did not reach the Board until August (283). From some Colonies, Jamaica for example, no reply appears to be contained in this volume. The Board of Trade made its Report to the House of Commons on 23 February 1736, nine months after the original request (Stock, IV, *p.* 292). Inasmuch as this Report was based upon information freshly supplied by the Colonies it cannot have been comprehensive, for the replies of Connecticut, Rhode Island, North and South Carolina and Maryland all arrived too late to be of any service (418-420, 422, 451). Neither the Board nor the colonial Governors can be held solely responsible for this delay. As on other occasions, the arrangements for collecting information, however satisfactory they might be on paper, broke down through painfully slow communications. The Governor of Connecticut, for example, dated his reply to the Board on 18 October 1735, but it was not received until 12 April



1736. Part of delays such as this may have occurred after the letters reached the Custom House in London, for in August 1735 we find the Board complaining to the Commissioners of Customs that packets had lain there for many months (63).

Although imperial affairs continued to bulk large in Parliamentary business during the session of 1736 no further demands for information were laid upon the Board of Trade. It should, however, be noticed that other Departments besides this one were made responsible for supplying Parliament with intelligence relating to the Colonies. In their examinations of the state of the sugar-islands in 1735 and 1736 the Commons ordered the Commissioners of Customs to furnish commercial statistics of various sorts. On 9 May 1735, for example, they called for accounts of the trade in rum, sugar, molasses, lumber, flour and other goods between the northern Colonies of America on the one hand and the West Indian Colonies, both British and foreign, on the other (Stock, IV, pp. 251-3). The Commissioners of Customs presented their Report in March 1736, and later in the same session were asked for information about chocolate imports (*ibid.*, pp. 300-1). The Commissioners of Excise were likewise employed, particularly in connexion with the proposal to place a heavy duty on the retailing of spirits. On 3 April 1735 they were asked for an account of spirits drawn from molasses in the seven years prior to 1734 (*ibid.*, p. 247).

Governor Mathew's attempt to erect civil Governments in the Virgin Islands has already been mentioned. The scheme had been nipped in the bud by the Board of Trade on the grounds that the creation of elected Legislatures fell wholly within the Prerogative of the Crown. On this occasion the home Government acted quickly to suppress any attempt to force its hand. But at other times it was less successful and found itself manoeuvred into a position of having to give some kind of recognition to acts by Colonial Assemblies or Governors which were clearly *ultra vires*. Twice at least during the period covered by this volume the Colonists succeeded in setting

up in the minds of the authorities at home a conflict between the public interest on the one hand and the Prerogative of the Crown on the other. One such conflict concerned the troops sent to Jamaica to suppress the negro disorders. The Assembly of that Colony, in making provision for the pay of these troops, imposed penalties on any Officer who recruited men on the Island. The legal adviser of the Board of Trade pronounced this clause extraordinary and unprecedented and a restraint upon the Crown's Prerogative (124). The Board itself admitted that it would be improper to allow recruitment in the Island, and to disallow the Act would be to leave the soldiers without provision. The Act had a duration of only eighteen months so that, by the time the Board had come to a decision, it had almost expired. In these circumstances the Board decided not to recommend disallowance but to propose that an Order should be sent to the Governor not to assent to any similar bill (155). Just as the Legislature of Montserrat succeeded in forcing the hand of the British Government by passing the Act against trade with the French, so the outcome of this episode can be regarded as, on the whole, a victory for the Colonists.

The usual multitude of miscellaneous items appears in this volume. The Governor of New York, President Clarke, continued and finally won the battle against the factious elements in the Colony led by Rip Van Dam and Lewis Morris. The garrison in the Bahamas mutinied, with every justification judging by the Governor's account of the conditions the soldiers had to endure. Wavell Smith, Secretary of the Leeward Islands, carried on a dispute about the fees of his office which consumed a great deal of time and lasted until 1739. These and kindred topics of a more or less ephemeral nature bulk large in the ensuing Documents, but it is not the purpose of this Introduction to usurp the functions of the Index.

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# COLONIAL PAPERS.

JULY, 1735.

1735.

July 2.  
Council  
Chamber,  
Whitehall.

1. Order of Committee of Privy Council for Plantation Affairs. Their Lordships taking into consideration a state of Jamaica prepared by the Board of Trade *etc.*, and finding that the present distrest condition of the sd. island has arisen chiefly from the want of a sufficient number of white inhabitants, and that the great obstruction to the encrease of such inhabitants has been owing to the granting exorbitant tracts of the most fertile and best situated lands to a few of the inhabitants, by means whereof there remains at present none for the reception of new-comers, but what they must purchase at an extravagant price, and their Ldps. finding likewise, that all the laws hitherto made to prevent the same have proved ineffectual, did therefore think proper to order, that the Lds. Commrs. for Trade taking to their assistance the Attorney and Solicitor Genl. should prepare heads of a bill proper to be past by the Council and Assembly of that Island for the dispossessing the Proprietors of all such extensive tracts of land as lye uncultivated in order to the granting the sd. lands anew to such persons who will come to settle in the sd. island, and cultivate the same within a limited time, and as this appears to be the only means wch. can effectually provide for the happiness and security of the sd. Island, the Committee doth therefore farther order, that the sd. Lords Comrs. for Trade do prepare a draught of an Additional Instruction to be given hereupon to Governor Cunningham *etc.*, directing him to recommend to the Council and Assembly the passing an Act for the purposes aforesaid and to acquaint them, that as H.M. has been graciously pleased to comply with everything wch. they thought necessary to request for the security and defence of the inhabitants, so H.M. does expect, that they shall on their part comply with such measures as H.M. judges necessary for their own happiness and security, and that if they shall neglect or refuse the same, that then the sd. Govr. do immediately inform H.M. thereof, that the same may be laid before the Parliament of Great Britain *etc.* Heads of said bill and draught of Instructions to be laid before the Committee by the Board of Trade.

*Signed*, Ja. Vernon. *Endorsed*, Recd. Read 4th July, 1735. 1½ pp. [C.O. 137, 21. ff. 157, 157 v., 162 v.; and 5, 36. ff. 38, 38 v.].

July 3.  
Whitehall.

2. Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their opinion thereupon. *Signed*, Ja. Vernon. *Endorsed*, Recd. (from Mr. Shelton) 5th, Read 10th Dec. 1735. 1¼ pp. *Enclosed*,



1735.

2. i. Petition of William Wragg and Samuel Deane, Merchants, in behalf of themselves and others planters in S. Carolina, to the Queen, Guardian of the Kingdom. In 1713 petitioners and others undertook a design for erecting several sawmills in S. Carolina, in which petitioners spent near £3000, transporting thither for that purpose persons from England and Holland, and purchasing £6000 acres of land from the Lords Proprietors. But the Indian war then coming on, and the Lords Proprietors soon after shutting up the Land Office prevented them from having the grant signed in due form *etc.* The Province being now under H.M. Government, pray for confirmation of said grant *etc.* Signed, Wm. Wragg, Saml. Deane. *Copy.* 1½ pp.
2. ii. Copy of grant of 6000 acres to John Danson by the Lords Proprietors of Carolina, 29th Oct., 1713. *Copy.* 1 p. [*C.O.* 5, 365. *ff.* 52—54, 57 v.].

[July 3.]

3. Extract from a letter from Carolina. There is a bill now depending in the Assembly for laying an additional duty of £7 10s. per head on all negroes imported. Copies of the bills are sent to London and Bristol, for accounts can't be sent too early of an affair which, in its nature, will be so injurious to trade, and which will lay the factors here under such severe difficulties, before they can obtain redress from Great Britain. This last consideration has never been sufficiently attended to, for it has been a great, if not the chief encouragement to our Assemblies to do extraordinary and unreasonable things because they have, in a great measure, had their effects *etc.*, before relief could be obtained. Acts have been passed, and numbers of people have been injured, nay sometimes ruined, before the acts could be repealed. The mischief has been done, and the actors have passed without notice or censure, and, on that account, are always ready to pursue the like measures. There is something very remarkable in the Preamble of this Bill. You see to what a height our Assemblies are grown! A Convention of people inferior in capacity, estate, and all other qualifications requisite for lawgivers, to the members of many a little Corporation in England, pronounce themselves H.M. Faithful Commons, which, besides their presumption in using the style of the British Parliament, is nonsense, and an abuse of forms, as we have no Lords, here, to justify such a distinction. In the same Preamble they make profession of their duty and submission to H.M. pleasure, and their willingness to comply with his Instructions, when, at the same time, they are passing an act which is a notorious and manifest contradiction of several of those which are most material and important, to the trade of Great Britain *etc.* Such a duty would be a very great discouragement to the negro trades, and does materially affect the trade of Great Britain *etc.* The other reasons, which they give in the Preamble for passing this act, viz., that it is to bring in people, and to relieve their distressed Protestant Brethren, is mere grimace, and void of all manner of sincerity. If they were,

1735.

[3]

really, influenced by any such humane and charitable motives, why did they misapply the whole sinking fund (except £5000 per annum) which H.M. had by his Instructions expressly directed to be applied for bringing in poor Protestants? Why did they enter into resolutions wholly to confine their bounty to Colo. Purry's Swiss? Why did they respect the proposals of Mr. Wragg and Capt. Crokat? *etc.* *Endorsed*, Recd. (from Mr. Wood), Read 3rd July, 1735. *Copy*. 1½ pp. [C.O. 5, 364. ff. 48, 48 v., 49 v.]

[July 3.]  
Whitehall.

4. Council of Trade and Plantations to the Duke of Newcastle. *Enclose*, Address from the Council and Assembly of Jamaica returning thanks for the sending over the Six Independent Companies, to be laid before the King. [C.O. 138, 18. p. 25.]

July 3.  
Jamaica.  
Spanish Town.

5. President Ayscough to the Council of Trade and Plantations. I have by this opportunity sent to your Lordships, the rest of the Laws, pass'd this last session; with a plan annexed to that for building of twelve barracks thro the Island, which has been presented by Colonel Lilly, H.M. Chief Engineer here, for whose further services, the country will have occasion, I hope this Law will meet with your Lordships' approbation, which will the more speedily receive H.M. Royall Assent. *Signed*, J. Ayscough. *Endorsed*, Recd. 12th, Read 16th Dec., 1735. 1 p. [C.O. 137, 21. ff. 230, 231 v.].

July 3.  
Jamaica,  
Spanish Town.

6. President Ayscough to the Duke of Newcastle. Duplicate of preceding letter, *mutatis mutandis*. *Signed*, J. Ayscough. *Endorsed*, R. 31st Aug. 1 p. *Enclosed*,

6. i. A Plan of a defensible Barrack or Dwelling House, intended for the use and security of such new settlements as shall be carryed on near (or in danger of) the rebellious negroes *etc.*, Projected by Colo. Christian Lilly, H.M. Chief Ingeneer of Jamaica, 1734. *Plan on scale of 70 feet*. *Note*. "This project may likewise be of use in any other of H.M. American Colonies." Consists of a central hall communicating, oblong in shape and with four dwelling rooms, thrown out at each corner for flanking fire. 1 p.

6. ii. Explanation and Instructions for building above. 1 p. [C.O. 137, 55. ff. 199, 200 v., 201 v., 202].

July 4.  
Whitehall.

7. Mr. Wood to Mr. Popple. I send you, as I promised yesterday a copy of the letter which I received from Bristol, in answer to the Lords' proposal relating to the affairs of Carolina depending before their Lordships; and have only to desire you to observe to their Lordships what I repeated yesterday, that the traders of Bristol, and many others the traders of this Kingdom, were not parties to the agreement with Mr. Johnson, nor concerned in making the answer to the Queries at the same time, tho' ten times more interested in trade every year to Carolina, in



1735.

[7]

negroes, than those which did ; and that all dutys on negroes, or any other commodities, either necessary or material for planting, whether paid by the importer or purchaser, are very great discouragements to the better settling of the Province, as well as to the trade of this Kingdom. If this be, really, fact, as I conceive it is, and has been shown in papers either laid before the Lords, or given to you, I will not doubt but the Lords will, soon, come to a determination upon this affair, which is so earnestly desired by those traders for whom I am more immediately concerned ; tho', give me leave to assure you, that, if I did not believe, at the same time I am appearing in this affair for them, that the traders were perfectly right, in their application with regard to the better settling by the Province, and the trade of this Kingdom, I would not have given either the Lords or you any trouble on this occasion. *Signed*, Wm. Wood. *Endorsed*, Recd. Read 4th July, 1735. 1 p. *Enclosed*,

7. i. Merchants of Bristol to Mr. Wood. Bristol, June 28, 1735. Abide by their petition to the King to disapprove the Appropriation Act, S. Carolina, and to prevent any duties being imposed on negroes imported. " By the great importation of negroes for 14 years past into Carolina there has been raised money more than sufficient to have sunk the whole paper currency, or whole debt owing in 1723, and to have answered much more than the expence the Province has been at, since the passing of the Appropriation law in paying the passages of, and providing provisions for, any new settlers. Since this is the case, since dutys on negroes are so great a discouragement to our trade, consequently to the better settlement of the Colony itself ; and since so bad an use has been made of the agreement which the London merchants came into, at the request of Mr. Johnson, their young Governor, we have no manner of incouragement to come into this proposal which, for our parts, we cannot see for what end it is proposed to us, or also can possibly be served by it, or who has power over the Legislature of Carolina to render it effectual *etc.* The determination made on Mr. Cunningham's memorial was very surprizing to us *etc.*, and we do desire you will request the Lords to make their report forthwith *etc.* *Signed*, James Lambe, Richd. Jefferis and six others. *Copy*. 1½ pp. [*C.O.* 5, 364. ff. 46, 47 v., 51 v.].

July 4.  
Whitehall.

8. Council of Trade and Plantations to the Committee of H.M. Privy Council. Upon the petition of Richard Partridge, 1st May, *represent that*, " we have been attended upon this occasion by Mr. Partridge, by whom we are informed, that this Colony [*Rhode Island*], had formerly twelve cannon, most of which are now unfit for service : that they have built a fort which cost them ten thousand pounds of their currency, and have lately bought twenty-four cannons which cost six hundred pounds ; and they now

1735.

[8]

desire to be supplied with twenty more from 18 to 24 pounders and twenty shot for each gun, which will compleat the number requisite to furnish their fort *etc.* We are of opinion it would be of service to the Colony if H.M. would be graciously pleased to grant their request. [*C.O.* 5, 1294. *pp.* 80, 81].

July 4.  
Whitehall.

9. Mr. Popple to Lt. Governor Armstrong. My Lords Commissioners for Trade and Plantations, having read your letter of the 29th Octor. 1733 have commanded me in answer to your complaint of the French carrying on a great fishery at Cape Gaspy, to acquaint you that Captain Fytche, Commander of H.M. Ship *The Sheerness*, in his answer to several enquiries relating to the trade and fishery at Canso for the year 1735, says, "there has resorted to some of the Canso Islands several French fishermen and inhabitants of Cape Breton, who kept this year 30 boats, and had very great success, they have done it many years upon a pretence of leave from the Governor." It is of great damage to our fishery and contrary to the Treaty of Utrecht. And that their Lordships are surprized to hear that any English Governor at Canso should grant any such leave and that their Lordships desire to be truly inform'd from you in this particular and advise you, that if any such leave has been given, that you not only discontinue it for the future but that you use your utmost endeavours to prevent any encroachments upon the seas and coasts belonging to H.M. Dominions. Their Lordships having received several complaints from H.M. Consuls and Ministers in foreign parts of fish carry'd to the respective markets for sale, which has been very ill cured, and as it appears that officers called cullers of fish have been appointed in several ports under the Government of New England to prevent such abuses, My Lords Commissioners desire you will endeavour with the advice of the Commanders of H.M. Ships of War attending the fishery at Canso, to appoint such an officer there, without being oppressive to the fishermen and to give their Lordships an immediate account of your success. [*C.O.* 218, 2. *pp.* 18-20].

July 5.  
Whitehall.

10. Council of Trade of Plantations to the Committee of the Privy Council. Upon the petition from Montserrat for cannon and arms *etc.*, referred to them on March 6, refer to their report of July 24, 1734. [*C.O.* 153, 16. *p.* 4].

July 5.

11. Extract from letter from the Speaker of Assembly, Antigua, to John Yeamans, Agent for the island. The Assembly desire you to wait on the Rt. Honble., the Lords Commissioners for Trade *etc.* and to return their Lordships the humble and hearty thanks of the House for causing our laws to be printed, and for the two books they have been pleased to order to be sent as gifts to the Assembly and myself *etc.* We hope their Lordships will continue to afford us their countenance and protection *etc.*, and particularly at this juncture employ their best endeavours to relieve us from the miseries that we now lie under by the prices of our commodities in England, which we apprehend can only be



1735. [11]

effected by granting us a liberty to export them directly from hence to foreign marketts; having the duties lessened on those that are imported into Great Britain; and taking off the  $4\frac{1}{2}$  per cent. *etc.* *Endorsed*, Recd. (from Mr. Yeamans). Read 16th Sept., 1735. *Copy.*  $1\frac{1}{2}$  pp. [*C.O.* 152, 20. ff. 167, 167v., 168 v.]

July 9.  
Kensington.

**12.** Order of Queen, Guardian of the Kingdom *etc.*, in Council. Approving representation of Council of Trade and Plantations upon Col. Horsey's petition, and ordering that the Governor of S. Carolina do cause a grant of 48,000 acres to be made to him, his heirs *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 22nd Sept., Read 14th Oct., 1735. ff.  $2\frac{2}{3}$  pp. [*C.O.* 5, 365. ff. 1-2 v.].

July 9.  
Kensington.

**13.** Order of *Same*. Approving representation of Council of Trade and Plantations on petition of Thomas Rutherford, and ordering that 12,000 acres of land in S. Carolina be surveyed and set out to him as desired. *Signed and endorsed as preceding.*  $1\frac{1}{2}$  pp. [*C.O.* 5, 365. ff. 3, 3 v., 4 v.].

July 9.  
Kensington.

**14.** Order of Queen, Guardian of the Kingdom, in Council. Approving draught of Additional Instruction to Governor Cunningham relating to a duty upon negroes. *Signed*, Ja. Vernon. *Endorsed*, Recd. 18th Sept., Read 14th Oct., 1735. 2 pp. [*C.O.* 5 137, 22. ff. 2, 2 v., 3 v.].

July 9.  
Kensington.

**15.** Order of Queen, Guardian of the Kingdom, in Council. Approving report of the Committee, upon the memorial of Governor Cunningham for a supply of salt provisions for the troops, that, finding that the said troops do receive an additional pay from the inhabitants *etc.*, it is not reasonable there should be any further additional allowance made to them on account of provisions by Great Britain; but that the Council and Assembly of Jamaica may in lieu of the additional pay granted by the said island, furnish such provisions to all the said troops, or such a part of them as shall be actually upon duty, during their continuance upon duty, according as they shall judge necessary and proper. *Signed and endorsed as preceding.*  $1\frac{1}{2}$  pp. [*C.O.* 137, 22. ff. 5, 5 v., 10 v.].

July 9.  
Kensington.

**16.** Order of Queen *etc.* in Council. Approving the representation of the Council of Trade and dismissing the petition of Sir Wm. Chapman and others for a grant of lands in America. *Signed and endorsed as preceding.*  $2\frac{1}{2}$  pp. [*C.O.* 388, 35. ff. 1-2 v.].

July 9.  
Kensington.

**17.** Order of Queen *etc.* in Council. Approving additional Instruction to Governor Mathew, empowering him to pass a new gunpowder act in St. Christopher. *Signed*, Ja. Vernon. *Endorsed*, Recd. 22nd Sept., Read 4th Oct., 1735.  $1\frac{1}{4}$  pp. [*C.O.* 152, 22. ff. 1, 1 v., 3 v.].

1735.

July 9. **18.** Order of Queen *etc.* in Council. Approving report of  
Kensington. Council of Trade upon Act of St. Christopher, 1732, *continuing*  
*the duties of gunpowder etc.*, and repeating the same. *Signed and*  
*endorsed as preceding.* 2½ pp. [C.O. 152, 22. ff. 2-3 v.].

July 9.  
Whitehall.

**19.** Council of Trade and Plantations to Committee of Privy Council. Pursuant to your Lordships' order of the 2nd instant, we herewith transmit to your Lordships the heads of a bill which we have prepared with the assistance of Mr. Fane, one of H.M. Counsel, propose to be passed by the Council and Assembly of Jamaica, for dispossessing the proprietors of all such extensive tracts of lands as ly uncultivated in that Island in order to the granting the said lands anew to such persons as shall come to settle there, and cultivate the same within a limited time. We also take leave to transmit to your Lordships the draught of an Instruction which we have prepared for Governor Cunningham *etc.*, whereby he is directed to recommend, to the Council and Assembly the passing an Act for the purposes aforesaid *etc. as below.* *Annexed,*

19. i. Drafts of H.M. Additional Instructions to Governor Cunningham, (30) Whereas it hath in all times been a very great hindrance to the peopling and setaling of Our Island of Jamaica, that large tracts of land have been ingrossed by particular persons, great part whereof still remains uncultivated, whereby the Island is deprived of many inhabitants that would otherwise have settled there, and have greatly contributed to the security, wealth and defence thereof: now We having taken the same into Our royal consideration, and being especially minded to provide against so great an evil for the future; We do hereby in a very particular manner recommend it to you to use your best endeavours to get a law passed in the most effectual terms, for obliging all persons already possessed of any lands in Our said Island, to plant and cultivate, or to dispose of the same to such persons as are willing to undertake the same, and in default thereof, that such lands may revert to Us, to be regranted for that purpose; and you are to acquaint the Council and Assembly that as we have been graciously pleased to comply with everything, which they thought necessary to request for the security and defence of the inhabitants of Our said Island, so We do expect that they shall on their part, comply with such measures, as we judge necessary for their happiness and security. But in case they shall be so little sensible of their own welfare as to neglect or refuse the passing the same into a law; it is Our Will and Pleasure and you are hereby directed to inform Us thereof, that the same may be laid before Our Parliament of Great Britain for their consideration.

(31) It is likewise Our Will and Pleasure that no grant of land shall be made by you on Our behalf, to



1735. [19 i.]

any person whatsoever already possessed of one thousand acres or more, within Our said Island, and that no person whatsoever shall for the future be capable of holding by any grant hereafter to be made on Our behalf more than 1000 acres as aforesaid, and that no grant be for the future made but upon this express condition that each grantee shall have and maintain one white man for every hundred acres he shall have granted unto him; and that he do annually pay the usual quit rent for every hundred acres so to be granted.

(32) And altho' the effectual peopling of Our said Island as well as the defence thereof against the rebellious negroes or any other enemies, does absolutely depend upon the number of white inhabitants, for which purpose a good law was enacted obliging the inhabitants to keep and maintain a proportionable number of white servants for the negroes they shall possess, which law was confirmed in 1704. Yet we are given to understand that Our people of Jamaica have been so negligent of their own welfare in this particular, that by subsequent laws they have allowed each inhabitant to keep a greater proportion of negroes for every white servant, and even for want thereof to pay an annual acknowledgement in money, by which means, as also by teaching handicraft trades to their own negroes, there are not at present on the Island so many white inhabitants as there formerly were. It is therefore Our Will and Pleasure, and you are hereby directed not to give your assent upon any pretence to any law whatsoever, for lessening the proportion of white servants, as directed by the aforesaid Act, confirmed in 1704.

19. ii. Proposals for a Bill for the better peopling and settling the Island of Jamaica. That all land in any part of Jamaica own'd by any person or persons, who have not cultivated the same or shall not within [blank] after the passing this Act, cultivate and settle the same, all such uncultivated and unsettled lands to be declared forfeited, and vested in H.M., His Heirs and successors, to be dispos'd of to such persons as are willing to cultivate and settle the same under the following or such like restrictions and conditions; every white person being a Protestant and possess'd of one white man to have 100 acres. Every mulatto, Indian or negroe who shall have been by Act of Assembly naturaliz'd and declared free, to have upon the like conditions 100 acres. And for every slave they shall afterwards purchase and keep upon such tracts, 5 acres. That the Governor be empower'd to grant to any person any tract of land not exceeding 1000 acres upon condition that within [blank] after the date of this grant he shall settle and maintain thereon one white man; and that the next year he do settle and maintain thereon another white man, and so annually

1735. [19 ii.]

until the whole proportion of one white man shall be settled and maintained for every hundred acres. And that in case of any failure in payment of quit rents, or of maintaining the proper number of white men, all lands granted shall again revert to the Crown, to be regranted to such persons as are willing and able to settle the same upon the conditions afore mentioned. [*C.O.* 138, 18. *pp.* 26-32.].

July 10.  
Cape Fear.

**20.** Governor Johnston to Council of Trade and Plantations. My lord, I have the honour to send along with this a copy of the heads of the Quit Rent Law, and a copy of the bill as it was, when rejected by the Council; your Lordships will no doubt observe the reasons which induced the Council to lay it aside, viz., the paying the King his rents in commodities, at so high a rate, and at so many different landings, that the expence in collecting them would have been intolerable, and in the end H.M. would not have sixpence neat per 100 acres. I have likewise sent a copy of the state of the blank patents the original of which I transmitted by the way of South Carolina about six weeks ago, the gentlemen concerned were very fond of representing their case to your Lordships at first, but for what reasons I can't tell, they seem to be so cool about it now that I am not able to guess whether they will make any defence or not, but I hope this will not occasion any delay in the orders I shall expect from your Lordships on this subject, I have ordered four or five of the blank patents to be proceeded against in H.M. Court of Exchequer lately erected here, and shall be sure to send your Lordships a copy of the proceedings as soon as matters are brought to any issue, several of our people have begun very modestly to question whether H.M. has a power to erect a Court of Exchequer here without an act of their Assembly, their arguments are borrowed from a book publish'd by Mr. Morris late Chief Justice of New York. As my instructions are very plain and positive on this head, I shall not trouble myself with any of their quibbles, it would not however be amiss to send the opinions of some eminent lawyers on this subject, it has been a great loss to me that I have never yet had the opinion of the Attorney and Solicitor General concerning the validity of our laws tho' it was laid before them eight months before I left London. In my last I observ'd to your Lordships that it was a great detriment to the revenue, that we had no Receiver General who resided within the province; when I order'd the arrears of quit rents to be collected I found they began to raise a clamour that as Mr. Hammerton resided in South Carolina, all the ready money and bills of this country would be carried thither; in order to take away all pretence for this complaint by the advice of H.M. Council I appointed a Receiver who lives in the province, untill the King's pleasure should be known, some months after this upon Mr. Hammerton's coming into this province I took care to acquaint him with the reasons of my proceeding which however were so far from satisfying him that he immediately join'd himself to those very people who fomented the



1735.

[20]

above mentioned clamour, and who have left nothing undone to prejudice H.M. revenue. At last he had the insolence to fix up an advertisement discharging H.M. subjects from paying their rents as requir'd by me in a proclamation publish'd last April. He took care indeed to fly the province as soon as he had done this, otherwise I should soon have made him sensible of his presumption, but as this mad step of his may have a very bad effect at so critical a time as this, as the people here want only a handle for not paying their rents, and as it is the highest insult to H.M. Government here, if it is not taken notice of in the manner it deserves, I shall really think myself very hardly dealt by, if any servant of the Crown is connived at, when guilty, of so gross an affront, and of obstructing the service of H.M. in so unsettled a colony as this is, it will be impossible ever to bring matters to a happy settlement. I thank God I have no quarrel with anybody in this country upon my own account. If I have any enemies, they are enemies to the just rights and revenues of the Crown, and while they remain such, their friendship shall never be courted by, my lords, *etc.* Signed, Gab. Johnston. Endorsed, Recd. 10th Oct., Read 14th Oct., 1735. *Holograph. 3½ pp. Enclosed,*

20. i. Heads of an Act for providing H.M. a rent roll, for securing H.M. quit rents and remission of arrears *etc.* Same endorsement. 3 pp.

20. ii. Copy of above Bill. Same endorsement. 7¼ pp.

20. iii. Case of the Blank Patents *etc.* Duplicate of May 25. 9 pp. [C.O. 5, 294. ff. 214-215 v., 216 v.-224 v.)

July 11.  
Whitehall.

**21.** Council of Trade and Plantations to the Committee of Privy Council. They have reconsidered their report on the Act of S. Carolina for appropriating £104,775 *etc.* They have been attended on this occasion by merchants of London, and Mr. Wood in behalf of the merchants of Bristol, who have offer'd their reasons for the repeal of the said law, and by the Agent of S. Carolina in support of the remonstrance of that Province. *Continue :* Upon the whole, considering the unsettled state of the paper credit in South Carolina, and the inconveniencies that might arise both to the merchant and the planter by diverting the present fund appropriated for sinking the said sum of £104,775 1s. 3¼d. for which orders have been created and issued bearing an interest of 5 p. cent : before another fund should be settled for the same uses which would leave the Province destitute of mony for the encouragement of new settlers or to make good the engagements already contracted with the said Col. Purry for settling a Colony of Swiss and other foreign Protestants in South Carolina, we therefore take leave to propose to your Lordships that the said act should for the present be suffered to lay by probationary ; and that an Instruction be forthwith sent to the Governor or Commander in Chief for the time being in South Carolina to move the General Assembly there to pass a new law to provide that the produce of the duties upon strong liquors and negroes imported into that Province, commonly called the Sinking Fund, be in the first place applied to the encouragemt.

1735. [21]

and assistance of such foreigners and others being Protestants, as shall go over and settle there; and for applying the overplus of the said duties, if any shall remain after the demands and expences requisite for the service of such new settlers be fully satisfied, to discharge and sink the old paper bills which subsisted in this Province in February 1723, at which time an Act was passed there entituled *An Act for calling in and sinking the paper bills*, to which service the said sinking fund was applied before the passing this Act commonly called the Appropriation Law in August 1731. And that the Assembly do likewise make effectual provision in the new Law for the payment and sinking of such part of the said sum of £104,775-1s. 3¼d. as shall then remain unpaid and extant in the aforesaid orders bearing an interest of 5 p. cent. But, if the Assembly shall refuse to comply with these Instructions, we would then propose that the said Appropriation Act of the 20th of August 1731 may be immediately repealed. In the meantime we take leave to transmit herewith to your Lordships the draught of an Instruction that we have prepared upon these heads for the Commander in Chief of South Carolina, which if your Lordships should approve it may be forthwith transmitted to that Province. *Copy,*

21. i. Draft of H.M. Additional Instructions to Mr. Broughton.

Whereas by the 20th article of our Instructions to Robert Johnson Esq. late Governor of our said Province, he was directed and empower'd to give his assent to some law for suspending the design of a law passed in that Province for calling in and sinking the . . . . . paper bills for the space of seven years, and for applying the revenue arising thereby for the charge of surveying and laying out townships or to the purchasing of tools, provisions and other necessaries for any poor Protestants that should be desirous to settle in our said Province. And whereas by the act passed in 1731 for appropriating the sum of £104,775 1s. 3¼d. towards the payment of the publick debts in consequence of our said Instruction the whole revenue was not appropriated to the service of new comers as it ought to have been. It is therefore one Will and Pleasure that you endeavour to get a law passed for altering so much of the aforesaid law as is not consistent with the said 20th article of our aforesaid Instructions: And that it be by the said law enacted that during the continuance thereof, after the annual service of the new comers is provided for, any overplus that may remain shall be applied to the discharge of the old bills of credit, for which purpose the said duties were originally given by the Act for calling in and sinking of paper bills, passed in our said Province in 1723-4: And that provision may be likewise made in the said law, for the payment and sinking of such part of the said sum of £104,775 1s. 3¼d. as shall then remain unpaid. And you are further to signify to our Assembly that unless they immediately comply with what is herein



1735. [21 i.]

proposed, we shall disapprove the aforesaid Act for appropriating the sum of £104,775 1s. 3½d. towards the payment of the publick debts, but you are not hereby to understand that we do by this Instruction in any wise give you leave to suspend the design of the sinking fund longer than the duration of the last mention'd law or for continuing the duties for a longer term than that for which they were originally granted by the aforesaid Act of 1723. [C.O. 5, 401. pp. 143-150].

July 11.

**22.** Capt. Coram to the Council of Trade and Plantations. *Reply to the Board's enquiries concerning his memorial of 1st May. Imprimis.* That for the necessary and speedy settling Nova Scotia and Cat Island strongly with good protestant inhabitants by properly encouraging foreign protestants as well as Britains thereto who may be capable and willing to settle themselves there at their own expence; for as the former being the northern British frontier province on the main of America bordering on the French and many nations of Frenchified fierce Indians where the winters are very long and extream severe. And the later being the windermost or most easterly good island of the Bahamas, and lyes greatly exposed to the depredations of the French and Spaniards of Hispaniola and Cuba. Therefore the best encouragements are the more absolutely necessary for those who shall settle and to remain on both those places, the great importance whereof to this Kingdome is best known to yr. Lordships. That for the better and more effectual carrying on and establishing the said necessary and advantageous settlements to good effect, H.M. may be graciously pleased by His royal Letters Patent to appoint and authorize some honble. and experienced persons (some such have already declared their willingness to accept, and to act in, without fee or regard, a trust for that good purpose) together with the principal magistrates of the Cheife city's and towns in Great Britain interested in the fishery and navigation and their proper deputies, to be trustees for the directing and managing the affairs thereof in every respect to the best advantage for the good of the said settlements, without any particular interest or benefit to themselves, and govern the same for such certain time as H.M. shall think fit for the compleating thereof under a proper encouraging civil government to be established by H.M., and to receive and dispose the charitable benefactions of well disposed persons who for that good purpose would contribute librally into the hands of proper persons of known integrity in whome they should be fully satisfied that such their benefactions would be rightly applied for the benefit of the poor people whether our own or foreign protestants so to be settled by their charity on the lands to be granted to them, and that their children or posterity whether males or females should enjoy the same after them, without any deprivation; which benefactions, as would doubtless arise under such a trust properly authorized, may amount to sums sufficient to defray the whole expence of settling, planting and fortifying Nova Scotia and Cat

1735. [22]

Island in a secure and elegant manner without any need of publick money for the same except a sum not exceeding eight or ten thousand pounds at most for transporting the first settlers and furnishing them with food and other proper necessaries at their first beginning, as may more fully appear by the estimate herein after stated. The memorialist humbly conceives that for the proper encouragement of industry and emulation in Nova Scotia and in Cat Island and for inviting industrious protestants to settle there, the petitioners and others who shall settle there, should when and as soon as each man, head of a family, with his children or servants shall have well and fully cultivated in the best manner of housbandry the first hundred acres of land, or so much thereof as shall be fit and proper for cultivation, which shall be laid out and granted to him, exclusive of the King's highways, roads and streets which are to be first laid out properly, and marked and recorded, he shall have a second hundred acres of land laid out in like manner and granted to him, and when and so soon as he shall have well and fully cultivated in the best manner his second hundred acres of land laid out and granted to him or so much thereof as shall be fit and proper for cultivation, he shall have a third hundred acres of land laid out and granted to him and so on from time to time as fast as he shall well cultivate the land wch. shall be grant'd to him, and the same to be upheld and maintain'd in the best manner of housbandry until he shall have well cultivated nine hundred acres of the land, if he can, then he shall have a tenth hundred acres of land so laid out and granted to him, but no man whatever to have or to hold more than one thousand acres of land there in the whole, and that no person's land wt. ever shall be laid out nearer than 200 feet of the sea at common high water, or any navigable river or other navigable water, that space of 200 feet being alwayes to remain free and common on the shoars of all navigable waters for the publick use and conveniency of H.M. subjects who shall be settled there. And for encouragement to every such city or town in Great Britain which shall be appointed in the trust as aforesaid, and such incorporated companys as may be willing to promote the trade of this Kingdome they may have, each, granted to them at any place they shall desire in Nova Scotia, a tract of land two miles and half in length and breadth and containing 4000 acres not in possession of any other settlers before they send to receive and settle the same with such persons and families as each city, town or company shall think fit to place thereon for carrying on the fishery or other trade. That no land there may be granted to any but Christian protestants and that all such may at all times enjoy liberty of conscience. That the Quitrents of the land in Nova Scotia may be paid in good merchantable hemp and flax of the growth of the said province fit for the use of H.M. Navy, and that the quitrents of the land in Cat Island may be paid in good merchantable cotten of the growth of the said island and that these commodeties may each pass in current payments at an equitable price in the respective place of its growth for the encouragement of industry.



1735. [22]

That the civil government which the King shall be pleased to establish in Nova Scotia and Cat Island under the care of the trustees, for such term of years as H.M. may think sufficient for compleating these settlements, may be such that the inhabitants who shall settle there may at all times be effectually secure in their persons and properties, and perfectly free from all arbitrary and detestable useage by Governors, their officers and creatures, who have dare'd to commit and practice such abuses on H.M. subjects in the Plantations as our laws never yet allowed any of our Sovereigns to do in England, especially from the intolerable tyraneal oppressions exercised on H.M. subjects in Nova Scotia, which from the conquest thereof anno 1710 to this time hath prevented any good subjects from settling to remain in that province. Wherefore the memorialist humbly conceives that when the trustees shall send inhabitants to settle in Nova Scotia and Cat Island they should substitute and authorize some fit person or persons of known integrity and reputation to be their deputy or deputys in the said places to direct and make the proper settlements and lay out the portions of land to each settled in the most free and ample manner for their encouragement, and to do such other matters and things as shall be absolutely necessary for the peace, well ordering and establishing the said settlements. That the inhabitants who shall be freeholders in Nova Scotia may annually elect a proper number of the freeholders to be their representatives or Lower House of their Assembly, which Lower House shall, when duely convene'd by order of the trustees, their substitute or president for the time being, nominate a sufficient number of fit and able men, inhabitants and proprietors of land in the said province to be councelors or assistants to compose an upper House of the said Assembly and also to be of council to the said substitute or president in all matters and things relating to the said province, not to exceed the number of 21 persons for councelors or assistants in the upper House, and propose them to the said president for his approvation, and in case he shall disallow and put his negative on any of them, the House of Representatives shall nominate and propose other sufficient men in their stead to the satisfaction of the said president for composing the Upper House of the Assembly, which Assembly shall have power with the assent of ye president for the time being to make necessary by laws, for the good of the said province, noways repugnant to the Laws of England, and to anull the same when needfull. But the said president shall not preside, debate, vote, nor be present in the Upper House whilst any bill shall be debating on these. The said president to have power to convene, prorogue and desolve the Assembly on all proper occations. The president with the advice and consent of the Council shall annually appoint, and oftener if needfull, judges, sheriffs, justices and other officers of the Council and Courts of Justice, fair and timely notice by summons allways to be first given. The Assembly to erect judicatories to hear and determine all crimes and pleas whatever. Also probats of wills and grant administerations. Also impose necessary taxes on the inhabitants for the security, defence and

1735.

[22]

services of the said province, to be disposed of by warrant from the said president and the Council, also to name and settle all civil officers as shall be necessary. Appeals to the trustees in some cases. The trustees' substitute or President, with seven or more assistants, to be a Council, due notice to be always given. The said President to command the militia, but no person to be sent or transported out of the Province without their own consent, neither may the Law Marshall be executd on any inhabitant without the consent of the Council. That everything is to be allowed and done in Cat Island after the same manner as near as maybe and in proportion with Nova Scotia. That all trees in Nova Scotia fit for masts for H.M. Navy may be preserved for that use. All mines and mineralls which shall happen in the land granted to any inhabitant shall be his or her property and that all hunting, fishing and fowling of every sort and kind to be free to them and their posterity. The memorialist further most humbly conceives that by effectually encouraging the proper making and establishing these necessary settlements, may in great measure be a means to preserve H.M. in the masterdome of the sea, for that as the French are very strongly fortified at Cape Briton and consequently very numerous there and having all the nations of Indians round about them in their intrest and possession, it is much to be apprehendd that even in time of peace they will intercept the British Codd-fishing on the coasts of Nova Scotia, and in case of a rupture with France, that whole province will without doubt be utterly lost for want of good and faithfull inhabitants. And as the French have already beat us clear out of the indigo trade, and have unexpectedly disabled and overtoped us in the suger trade, they want only a great and extend'd navigation to establish a maritime force equal to any of their neighbours, and as the most compendious way thereto is to beat us out of the codd-fishing : if ever that should happen, it would be the greatest blow that ever was given to the British navigation, for we must necessarily decline as they advance, which may in a very few years be attended with most fatal consequences to Great Britain. Wherefore, if H.M. shall be pleasd to think the memorialist a proper person to execute any commands for accomplishing these important settlements as above proposed, he will be ready to render his best services therein *etc.* *Signed,* Thomas Coram. *Endorsed,* Reed., Read 15 July, 1735. 6 pp. *Enclosed,*

22. i. An estimate of the necessary charge and expence of transporting one hundred men and their families, supposing two thirds of their number to have each a wife and 3 children, apprentices or servants one with the other being 366 persons in all (beside 34 young children in their mother's arms) from London to Nova Scotia and settling them there and furnishing them with necessary tools and utensils, and materials for building their hutts, and cleaning, cultevating and planting the land, and for subsisting them one year after their arrival there.



1735. [22 i.]

£ s. d.

For victuals in their passage thither to be reckoned not less than three months from their embarkation to their landing, and for cask of all sorts to put the provisions and fresh water in, and for coals or other fuel to dress their victuals during their voyage, and for the hire or freight of shipping for their passage of 366 grown persons (beside the 34 young children) for them and their luggage at £4 0s. 0d. each head .. .. .

1464 0 0

For victuals to supply them one year after their arrival in Nova Scotia, the greatest part of it to be carryd from England, computd at 6½d. p. diem for each person except the said 34 young children..

3618 1 3

For cask &c. for those provisions wh. are to be carryd from England .. ..

90 0 0

For bedding for their voyage and after in the Plantations and a great warm coat for each man, and other garments for the women at 20s. for each person .. ..

366 0 0

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 £5538 1 3
 

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Moreover it will be absolutely necessary for H.M. service and for the well begining, security, defence, use and prosperity of the Plantations to take from England with the Colonys some things hereafter mentioned viz :— Great gunns, small arms, amunition, tents, &c., &c., &c., axes, saws, hoes, spades, shovels, scyths, ox-yoaks and bows, logg chains, with other housbandry tools and necessaries, handmills for corn and mault, bricks, tyles and fire-stone for ovens, some necessary tools for carpenters, masons, bricklayers, brick makers, wheelwrights, coopers, shoemakers, taylers, tanners, paveors and some other usefull tools. A smith's forge and sea coales, some bar iron flat and square and some steel, locks, hinges and nailes of proper sorts, and other necessary iron work, also iron potts and kettles, some copper, brass, pewter, and tinn work, some earthen ware, grind stones, lanthornes and glasses, a little glass and lead for small windows, and some other lead for necessary uses, handjack screws, cologn and other millstones, scales and weights, measures wet and dry, some ropes, lines, and tarpaulins and fishing tackle for fishing boats, medicines, druggs and salves, surgeon's instruments, some good seeds, plants and roots of the most usefull sorts, church books and a little decent church furniture and children's books, a small church clock and bell, two sun dyals for the proper latitudes, some perticuler sorts of blankets

1735. [22 i.]

and other proper presents for the Indians, the whole of this by computation may be purchased for about £2000.

Some other necessaries proper to be had from New England on their arrival in Nova Scotia vizt.—

Sixty thousand feet of pine boards for building huts and one or more store houses			
at 25s. sterling p. thousand feet .. ..	75	0	0
For 25 cows and 3 bulls at 55s. each ..	77	0	0
For 20 yoaik or paire of working oxen for drawing timber, timber loggs, stones, earth &c. for building fortifications and for other unavoydable occations in a new plantation			
at £6 10s. each pair or yoaik of oxen ..	130	0	0
For 50 swine at 14s. each .. ..	35	0	0
For 60 goats at 5s. each .. ..	15	0	0
For 50 dozen of geese, ducks and other poultry at 6s. p. doz. one with the other	15	0	0
For necessary food to keepe these cattle wth. the first winter .. ..	100	0	0

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£7985 1 3

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The part of the boards, cattle &c. carryd from the main land to Cat Island, will cost more than those carryd to Nova Scotia which is much nearer, and, as seamen's wages is of late become much greater, so the transporting the inhabitants from hence will cost something more. And also as there may be divers unforeseen necessary charges and expences arise, not herein mention'd, yet I humbly conceive the whole may be compleatly done and performd for less than ten thousand pounds. *Signed*, Thomas Coram. [C.O. 217, 7. ff. 117—120 v., 121 v.].

July 13.  
Virginia.

**23.** James Dillon to the King. I, ye subscriber of these few lines, am obliged through conscience and loyalty to give your majesties to understand there is a most cruel and barbarous plot designed against your most Sacred Persons and all your Royal Issue, but I hope God of His infinite goodness will frustrate all their wicked intentions and continue your majestie's throne in this world with a long life and a happy and peacable reign that you may vanquish and overcome all your enemies. I was drawn into this conspiracy and was perswaded to transport my self into this country for fear of a discovery made by me supposing me to be easely perswaded and I thank God that I was not snatcht away in my sin that I should be guilty of concealing ye destroyers of ye Lord's anointed, but it is easily prevented if your majesties will send an order for your majestie's servant to come home then your servant will make a full discovery of all, hoping your servant will enjoy your majestie's most gracious pardon and it as been contriveing some time and ye time of acting of this diabolical tragedie will not be expired yet for some time longer,



1735.

[23]

therefore your servant is ready at your majestie's call and ever will remain your majestie's loyal subject unto death.

P.S.—I am to be found at George Purrice on ye long branch of Rappahannock river in Spotsylvania Country. *Signed*, James Dillon. *Holograph. Addressed. 1 p.* [C.O. 5, 1337. ff. 177, 178].

July 14.  
Boston.

**24.** Governor Belcher to the Duke of Newcastle. In May last I reciev'd H.M. Additional Instruction, dated Nov. 30, 1733, appointing Mr. Peagram Councillor extraordinary in New Hampshire *etc.* This order has been a year and a half getting to my hands *etc.* *Encloses* journal of Assembly of the Massachusetts Bay to the close of their last sitting. *Continues*: And as a further incouragement for the raising of hemp, they have given a liberty to the inhabitants, for paying their taxes the two next successive years in that commodity, and the country in general seems much inclined to go upon raising it. I could therefore humbly hope for your Grace's favour, that the people may recieve H.M. bounty in the hemp seed I have mention'd *etc.* (v. June 28). *Signed*, J. Belcher. *Endorsed*, R. 13th Sept. 3 pp. [C.O. 5, 899. ff. 173-174 v.].

July 14.  
Whitehall.

**25.** Mr. Popple to John Willes, Attorney General. *Encloses* proposals for a bill for the better peopling and settling of Jamaica as July 9th. *Concludes*: My Lords desire you will consider the same and give their Lordships an opportunity of conferring with you at this office thereupon on Wednesday morning next at half an hour past eleven. *Annexed*,

25. i. Heads of bill referred to in preceding. [C.O. 138, 18. pp. 32-34].

July 17.  
Whitehall.

**26.** Council of Trade and Plantations to John Ayscough, Commander in Chief at Jamaica. *Acknowledge* letters of 4th, 13th and 15th April, 20th Aug., 16th Sept., 21st Oct. and 2nd Nov. 1734, 4th and 11th Jan., 27th Feb., 22nd March and 16th April last, with acts and papers enclosed. *Continue*: We do not doubt but that you have us'd your utmost endeavours to suppress the negroes in rebellion, as well as for the general safety of the Island, but we do not find any act. of the Companies, sent to Jamaica to be employ'd against the rebels have been sent out against them except in your letter of the 27 of February last notwithstanding you complain that in the quarters you assygn'd them at Port Antonio, and among the Plantations they have destroy'd their health and many of them lost their lives by drinking of rum to a great excess; these are evils which their officers ought to endeavour as much as possible to prevent and employing them in the publick service is more likely to do it than by their being idle and unemploy'd. By former accounts which have been sent to this office, we have been informed that the Musqueto Indians have been of service, when sent out against the negroes in rebellion, from their being us'd to fighting in the same manner, and therefore we are surpriz'd that you now represent them as

1735.

[26]

weak of body and enur'd to fatigue, and therefore not fit for this service ; upon this occasion we must inform you of a different reason which has been assign'd, why the service of these Indians has of late years been neglected by the people of Jamaica, and that is, that the last time they were made use of, the promised rewards were not made good to them, which ought to be always punctually comply'd with ; whether this is so or not, we do not take upon us to detirmine, but if it should, we cannot think it a good reason for not desiring the assistance of those people who have formerly been of service upon the like occasion. Upon this, as well as upon some other parts of your letter, we should write more at large, but that Mr. Cunningham, whom H.M. has thought fit to appoint his Governor of Jamaica, will soon set out for his Govert. of that Island with full powers and instructions, and capacitated, we hope, entirely to put an end to the rebellion, if not already done. In the mean time, we must desire you will send us as soon as possible, in order to be laid before the King, an acct. of the present state of affaires, as also a particular account of the present condition of the Independant Companies how many of them are dead, and what steps have been taken towards preventing their destroying themselves by drinking of rum, as likewise toward reducing the negroes in rebellion since your last letter. We likewise desire you would point out to us what particular good effects the putting of martial law in execution has had towards your success against those rebellious negroes ; and that if you send out any parties against them before your next letter to us, you would inform us of the number and strength of the said parties. So we bid you heartily farewell *etc.* [C.O. 138, 18. pp. 35-38].

July 17.  
Whitehall.

**27.** Council of Trade and Plantations to the Committee of Privy Council. Submit for confirmation 25 acts of the Massachusetts Bay, passed Dec. 31, 1731—April, 1733, "no objection arising to us against any of them during the time they have lain by in our Office" *etc.* [C.O. 5, 917. pp. 125-128].

July 18.  
Virginia.

**28.** Lt. Governor Gooch to the Council of Trade and Plantations. In obedience to the Board's command for sending annual accounts of laws made, manufactures set up and trade carried on in the Colony, *transcribes* account already sent, with alterations for the last twelve months. *Continues* : And first, I know of no law subsisting in this Government which can be said to affect the British trade. The act for encouraging the making of linen cloth made in 1730, which I then complied with, purely for the sake of the present tobacco law then depending, is suspended in the execution of it, till H.M. shall approve it. So that can do no harm, and I hope your Lordships will give me leave to say I had rather it should lie by, than be repealed. We have at York Town one Potter's work, so very inconsiderable, that it has not lessened the importation of such manufacture since it was sett up. There are four ironworks in this Colony employed in running pig iron only, which they send to Great Britain to be forged, and these works



1735. [28]

are thought rather beneficial to the trade than inconsistent with it ; forges for barr iron have been long talked of, but since the first settlement there is but one in this Government, nor can I learn any more are intended ; a sure sign the attempting to manufacture iron for the use of the Plantations, more than is necessary for agriculture and planting, for mending as well as making tools, is a thing impracticable and unprofitable ; at the furnaces, as the people call for them, they make pots, backs and and irons for fire places. There is one air furnace at work, which does the same. They have yet had no manner of success in either tinn, lead or copper mines, though the searches have been very expensive to many gentlemen. After the strictest enquiry, I can't find any trade carried on to or from this country, but with our Mother country, the British Islands in the West Indies, and the Island of Madeira. To Great Britain is sent tobacco, pitch and tarr, with skins and furs bought of the Indians, and returned from thence in goods and necessaries for the inhabitants. To the West Indies is carried beef, pork and tobacco, exchanged for rumm and molasses, and also Indian corn is exported thither. We fetch our wine from the Madeira, purchased sometimes with Indian corn, but mostly with bills of exchange. I am now to lay before your Lordships an account of some new projects sett on foot there. The first and principal is the proposal of one Mr. Ball, *etc. as in letter to Duke of Newcastle, infra, July 19th., No. 31. Continues :—* Another manufacture begun here is that of wine, for which many thousands vines of the kinds used by Mr. King at Brampton Park have been sent over to his correspondant, Mr. Armistead, and thrive exceedingly. But as this is the first year they have borne grapes in any quantity, no judgment can yet be made of this project, nor what alteration the change of climate may occasion. However I am of opinion, that if this undertaking is attended with success, it will be very beneficial to this country, if not to Great Britain, and no ways prejudicial to its trade, for it will lessen the importation of wine from the Madeira, which for the most part is purchased by bills of exchange payable in London. *Encloses journals of Council etc. Signed, William Gooch. Endorsed, Recd. 9th Oct., 1735, Read 7th Oct. 1736. 4 pp. Enclosed,*

28. i. *Same to Same.* On reading lately your Lordships' representation to the House of Lords in Feb. 1734, I found your Lordships had reported (of Virginia) several laws then subsisting which were long before repealed, that only excepted made in 1680 for raising a public revenue for the support of the Government, and this act, my Lords, was prepared in England, and had the roial assent *etc.* The act mentioned in the Representation exempting Virginia owners from the payment of the 2s. per hhd. and the Castle duty, now called Port duty, of 15d. per tunn, were confirmed by the before-mentioned act *etc.*, and was an antient priviledge granted to the inhabitants, who by being obliged in their own persons to appear under arms for the defence of the

1735. [28 i.]

country, were considered more favourably than those who trade hither, and acquire great estates, and can't otherwise contribute to the safety of the Colony, than by that small duty. The act in 1663 concerning foreign debts was repealed by his late majesty's express order the 14th May, 1718. The act in 1664 for the priority of payment to the country creditors was repealed by an act of Assembly pass'd in 1705, and was of no use whilst it subsisted, because the debts of the country creditors upon a suspicion of insolvency would always be recovered before any creditor in England could hear of such insolvency. The act in 1705, which is chap. 34th of that session of Assembly, was on the earnest sollicitation of the British merchants to the King repealed in 1730, tho' I believe it can't be proved that any inhabitant of Great Britain was ever injured by it.  
1 p.

28. ii. Account of H.M. revenue of 2s. per hhd. 25th Oct., 1734—25th April, 1735, Showing balance of £5829 0s. 9d. *Signed*, and sworn to by, John Grymes, Recr. Genl. *Endorsed*, Recd. 9th Oct., 1735. 2 pp.

28. iii. Proclamation for dissolving the Assembly, 1st May, 1735. *Signed*, William Gooch. *Endorsed as preceding*.  
1 p.

28. iv. Account of H.M. Revenue of Quitrents, 25th April 1734—1735. Showing balance of £5742 5s. 4d. *Signed and endorsed as encl. i.* 4 pp. [C.O. 5, 1324. ff. 5-7, 8 v.—10, 11 v., 12 v.—14 v., 15 v; and (abstract) 2—4 v.]

July 18.  
Whitehall.

29. Council of Trade and Plantations to President Dottin. Having had under our consideration, some letters from the late Ld. Howe, to whom we should have sent an answer, had he liv'd, we take this opportunity of writing to you on some parts of them, which relate to such laws as my Lord Howe conceiv'd proper to be repeal'd, viz. : *An Act concerning forestallers and Ingrossers of Provisions*, dated the 7th of May 1672 ; *An Act entituled An Act to prevent the inconveniency upon the Inhabitants of this Islands by forestallers, Ingrossers and Regraters*, dated the 29th of Nov. 1676 ; *An Act to prevent the exportation of horses and asses from this Island*, dated the 7th of September 1715 ; *An Act entituled An Act for laying an imposition or duty on all sugars, molasses, rum, cotton, and ginger, imported into this Island which are not the natural product, growth and manufacture of some of H.M. Colonies*, dated the 21st of March 1715. *An Act entituled a Supplemental Act to the last mentioned* dated the 14th of May 1717. My Lord Howe has represented these five Acts as very great cramps to the trade of Barbados and has acquainted us, that the chief Planters and merchants were of the same opinion. But that altho' the late Act of Parliament pass'd here in 1733 entituled *An Act for the better securing and encouraging the trade of H.M. Sugar Colonies in America* had provided against the importation of sugar, rum and molasses into Barbados, by which the two last acts were render'd



1735.

[29]

needless with regard thereto, yet the importation of cotton not being mention'd in the said Act, the same might be imported tho not under the heavy duty of six pence p. pound, which almost amounts to a prohibition of a commodity of which and much greater quantity is requir'd, than is produc'd in all the British Colonies. Upon this occasion we have read the two first of these laws, and as we do not find any objection to them, we desire you will again consult the planters and merchants upon them as likewise upon the three others and send us your and their opinion concerning them and also your particular reasons for proposing their being repeal'd. In which case, you may likewise send over an Act for that purpose (if it shall be thought necessary) to be pass'd by you the Council and Assembly, but not without a clause for suspending the execution of it, until the King's pleasure shall be known, according to your 17th Instruction. In this manner we shall have the whole matter fully before us, and no time will be lost, in receiving H.M. directions upon an affaire that my Lord Howe has represented of so much consequence to the trade of Barbados. H.M. having been pleased to give directions, upon the representation we made to him upon the necessity there was of sending cannon and stores to Barbados, we desire you will in your next letter inform us, what quantities of them have been receiv'd, and that you will constantly, as often as occasion shall offer, give us accounts of all transactions in your Government. [C.O. 29, 16. pp. 38—41].

July 19.  
Virginia,  
Wmsburg.

**30.** Lt. Governor Gooch to the Duke of Newcastle. The season of the year calling upon me to forward to your Grace the Journals of Council and other public transactions of this Government, it is with much satisfaction I have the honour to acquaint your Grace, they come attended with no animadversions which require one moment's loss of your Grace's time, the same quiet amongst the people, and the same harmony in the Government which hath hitherto subsisted continuing still here, I have only to add, the paper I have inclosed for your Grace's perusal, and that I have received your Grace's dispatch with H.M. Additional Instruction for regulating the rank and precedency at the Council Board of the present and future Surveyors General of H.M. Customs in America which shall be punctually observed. *Signed*, William Gooch. *Endorsed*, R. Oct. 9. *Holograph*. 1 p. [C.O. 5, 1337. 179, 180 v.].

July 19.  
Virginia,  
Wmsburg.

**31.** *Same to Same.* My design in this paper is to lay before Your Grace an account of a new project sett on foot here for the improvement of the trade and manufactures of this Colony; to which I was encouraged to hearken by the assurance the Projector gave me, that it had been communicated to the Lords Commissioners of Trade, who were pleased to approve of it so much, as to promise him their assistance towards obtaining a patent for the sole benefit of that trade for fourteen years. One Captn. Ball, who resided some time in Brazil, and as he says, hath acquired a perfect knowledge in the manner of curing and preparing the tobacco there, so valueable in the European markets, as well

1735.

[31]

as on the coast of Guinea, where he hath also traded for several years, proposes, and is very confident in it, that by curing and preparing the tobacco of this country in the same manner, he can give it all the qualitys both of substance and scent with that of the best Brazil, and affirms, from the observations he has made of the trade to Guinea and other parts of the African coast, that at least six thousands hogsheads of such tobacco may be annually vended there, besides supplying the demand of the Dutch, German and other Europeans' markets. For what is carried to Africa, he says the returns may be made in slaves, gold and teeth, and that either of these may be had for this kind of tobacco alone, without any other commodity, as is demonstrable from the trade carried on with it by the Portuguese from Brazil. As this report from a person willing to venture his all in the project seems to carry a prospect of no small advantage to the tobacco trade in general, no wonder, my Lord Duke, if many of the Gentlemen here, where it can only be made, since no other Colony affords sweet scented tobacco, are very desirous to become adventurers, and have encouraged Mr. Ball, after an hearing before me in Council, to make an experiment of his skill this very year, and he is now gone to bring his family from Boston in New England, proposing to return by the time the tobacco is fitt to be cutt down, so that I hope by the latter ships I shall be able to send over a specimen of this new manufacture. I thought it necessary to give your Grace this early notice that in case the Projector makes the kind of tobacco of the goodness proposed, your Grace may have the more time to consider what encouragement may be fitt for promoting a design which tends to the enlarging of the British trade and navigation, and what regulations are necessary for that end, as well on it's importations into Great Britain as on its being sold in Africa. The Acts of Trade have allowed any of the enumerated commoditys to be carried from any of H.M. Plantations in Asia, Africa or America to any other British Plantation in those parts, paying the dutys imposed by the Act of the 25th of King Charles the second. But it seems doubtful what shall be accounted a Plantation in Africa, unless a settlement be allowed one, seeing there are only some small forts and factorys possessed there by H.M. subjects and no officers appointed to give certificates for discharging the bonds to be taken on the exportation. Another thing your Grace will be pleased to consider of is, that the penny per pound payable on all tobacco exported to the Plantations from Virginia and Maryland is now granted by patent under the Great Seal to the College of William and Mary in this country; and if the trade to Africa should be increased by this project, as no doubt it will, and the forts and factorys should be deemed British Plantations, whether the College would not be entitled to all that duty, if not otherwise directed by Act of Parliament. *Signed and endorsed as preceding. Holograph.* 2½ pp. [C.O. 5, 1337. ff. 181-182 v.].

July 20.  
Kensington.

32. Her Majesty's licence to Joseph and Ralph Gulston to fell trees in New England in pursuance of their contract with



1735. [32]

the Commissioners of the Navy to bring over 17 ships' loadings, or more if required between Lady Day next and Lady Day, 1741. Charter and Act of Parliament quoted. H.M. Governors *etc.* are to be ordering and assisting to them in the execution of this service *etc.* *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. ff. 508-511].

July 22.  
Whitehall.

**33.** Mr. Popple to Mr. Attorney General. My Lords Commissioners of Trade having this morning consider'd your proposals for heads of a bill, for the better peopling and cultivating the Island of Jamaica, command me to send you inclos'd your proposals again; as likewise a copy thereof, with some part omitted, which my Lords are of opinion should not be inserted in the Act, because the King's hands would be thereby tied up. I likewise inclose to you, the draught of an Instruction to Mr. Cunningham, which is to accompany the said proposals for the heads of a bill; my Lords desire you will reconsider this matter, and as my Lord Fitzwalter will be your way, this evening, his Lordship desires you will let me know where and at what time he may find you and his Lordp. will call upon you either at your house or your chambers. [C.O. 138, 18. pp. 38, 39].

July 23.  
Whitehall.

**34.** Council of Trade and Plantations to the Lord Commissioners of the Treasury. Enclose accounts of incidental charges of the office, Lady Day to Midsummer, and request payment of quarter's salaries now due. *v.* Journal. [C.O. 389, 37. pp. 363, 364].

July 24.  
Kensington.

**35.** Contract of R. and J. Gulston for supplying New England masts *etc.* for the Navy *etc.* (*v.* July 20th). *Signed*, Ralph Gulston, Joseph Gulston, Holles Newcastle. *Copy*. [C.O. 329, 36. pp. 512-522].

July 24.  
Whitehall.

**36.** Council of Trade and Plantations to the Committee of Privy Council. Pursuant to your Lordships' desire, communicated to us by the Earl Fitzwalter, we have reconsidered the heads of a bill, which we had prepared in order to be passed by the Council and Assembly of Jamaica for the better peopling and settling that island. We have conferred upon this occasion with Mr. Attorney General and now take leave to transmit to your Lordships fresh heads of a bill, which we have prepared with his assistance *etc.* *Annexed*,

36. i. H.M. Additional Instruction to Governor Cunningham, as July 9th, *supra*.

36. ii. Proposals for Heads of a bill for the better peopling and cultivating the Island of Jamaica. That all lands in any part of Jamaica now held by any person or persons by or under any grant or grants from the Crown either mediately or immediately, if not already cultivated, shall, from the time of the making of this Act, be held by such person or persons, subject to the following conditions, that is to say, That all and every such person

1735. [36 ii.]

and persons shall within three years after the making of this Act, constantly maintain and employ in the cultivating of the said lands one white man for every hundred acres. And that if any such person or persons shall fail in the performance of this condition, the grant or grants from the Crown by which the said lands are holden, shall from thenceforth be null and void to all intents and purposes, and such person or persons, his, her and their heirs and assigns shall from thenceforth and for ever thereafter be divested of all his, her and their right and title to the said lands, and the said lands shall be immediately vested in H.M., His Heirs and Successors in as full and ample a manner to all intents and purposes as if such grant or grants had never been made ; and it shall and may be lawfull for H.M., His Heirs and Successors to grant the same to any other person or persons subject to the following conditions. That in every future grant there be a condition expressly inserted, that every such grantee, his heirs or assigns shall within one year after the date thereof constantly maintain and employ in the cultivating of the premises thereby granted one white man, and that the year after he do constantly maintain and employ in the cultivating of the said premisses one other white man, and so annually encreasing the number till he or they shall maintain and employ in the cultivation of the said premisses after the proportion of one white man for every hundred acres. And in case such grantee, his heirs or assigns shall fail in the performance of this condition or any part thereof, that from thenceforth the said grant shall be null and void to all intents and purposes, and such grantee, his heirs or assigns shall from thenceforth and for ever thereafter be divested of all his and their right and title to the said thereby granted premisses, and the same shall be immediately vested in H.M., His Heirs or Successors in as full and ample a manner to all intents and purposes as if such grant had never been made, and it shall and may be lawfull for H.M., His Heirs and Successors to grant the same to any other person or persons, subject to the like conditions. [C.O. 138, 18. pp. 39-46].

July 24.

**37.** Mr. Coope to the Council of Trade and Plantations. Requests report in favour of Acts of St. Kitts *for granting a duty of 8s. pr. poll on negroes and 5 p.c. on rents of houses : and for reducing the fee of 3s. per sheet taken by the Secry. as Clerk in Chancery etc. Signed, Ri. Coope. Endorsed, Recd. Read 24th July, 1735. 1 p. [C.O. 152, 21. ff. 74, 75 v.]*

July 26.  
Fulham.

**38.** Bishop of London to Mr. Popple. Good Sr., In the Instructions of my Ld. How for the Government of Barbadoes, his Lordp. had no particular direction to cause my Commission to be enter'd



1735.

[38]

in ye Records of that country ; and accordingly it is not enter'd to this day. When my Commissary spoke to him about it, his answer was, ' That if the Bishop of London would procure an order or Instruction from the Board of Trade or ye Duke of Newcastle, he would readily comply with it.' As a new Governour is now to be sent, I desire that one article of his Instructions may be, to enter that Commission ; for wch. I beg leave to depend upon your care and friendship, and am, Sr., your faithful frd. and servt., *Signed*, Edm. London. *Endorsed*, Recd. Read 29th July, 1735. *Addressed. Holograph. 1 p. [C.O. 28, 24. ff. 126, 129 v.].*

July 29.

London.

**39.** Mr. Furye to the Council of Trade and Plantations. As I have applied to your Lordships *etc.* for an explanation of the Instruction for settling the boundarys *etc.*, *encloses* following, which he hopes will free the Board from any farther trouble in that matter *etc.* *Signed*, Peregre. Furye. *Endorsed*, Recd. Read 29th July, 1735. 1 p. *Enclosed*,

39. i. Extract from letter from James Abercromby, Attorney General S. Carolina, to Mr. Furye, 27th May, 1735. On my return from Cape Fear in North Carolina, where I have been as one of three Commissioners to settle the boundary between this and that Province, which we have been so lucky as to accomplish to general satisfaction, and at last remove that bone of contention, I had the pleasure of yours *etc.* *Copy. ½ p. [C.O. 5, 364. ff. 53, 54, 56 v.].*

July 29.

St. Christophers.

**40.** Governor Mathew to Mr. Popple. *Encloses* act of Montserrat, which he was forced to reject, as it relates to the shipping of Great Britain. *Continues* :—As I cannot learn they have fix'd on an Agent, I wish you would undertake this matter for that poor island. There is not an inhabitant in three has a musquet, they are very poor. This is the only way of their being supply'd. What H.M. sends out must be a store in reserve not to be touched, but on an actual invasion to replace what may be broke and spoilt upon service. I also send an act of the island of Nevis for raising a levy. The last clause seemd to me to clash with H.M. Instructions, and I made difficultys on it, but just at this juncture, I was unwilling to reject an act that is of so much immediate concern to the island, however I wish you would obtain and send me their Lordships' sentiments hereon, for my guidance for hereafter. I send too an act of St. Christophers for obliging hawkers *etc.* to take out licences, and an act of Antigua for continuing publick works on repairs of cisterns, and lastly an act of the island of St. Christophers for the better regulating seamen. I have nothing to remark on these last more than what is specifyd in the respective preambles. I pray you will lay them before their Lordships for their recommendation to H.M. *etc.* *Encloses* Minutes of Council of Montserrat, 25th March—25th June, 1735 ; and of Assembly, 16th April, May 31, 1735 ; Minutes

1735. [40]

of Assembly, Montserrat, June 28, 1729—Oct. 13, 1733. *Signed*, William Mathew. *Endorsed*, Recd. 15th Sept., Read 12th Dec., 1735. 2 pp. *Enclosed*,

40. i. Act of Montserrat for the better supplying this island with small arms etc. Sept. 1734. *Copy. Signed*, Charles Molineux, Clk. of Assembly; John Molineux Speaker; Les. French, Clk. Council. *Endorsed*, 15th Sept., 1735. 1 $\frac{3}{4}$  pp. [*C.O.* 152, 22. ff. 20–21, 22, 22 v., 25 v.].

July 30.  
Kensington.

41. Order of Queen, Guardian of the Kingdom etc., in Council. Approving draft of Additional Instructions to Governor of Jamaica concerning grants of lands. *Signed*, Ja. Vernon. *Endorsed*, Recd. 22nd Sept., Read 14th Oct., 1735. 2 pp. [*C.O.* 137, 22. ff. 1, 1 v, 3 v.].

July 31.  
St. Christophers.

42. Governor Mathew to Mr. Popple. *Encloses* Treasurer's accounts of St. Kitts to 10th inst. On 24th April he gave Mr. Smith's deputy at Antigua the list of papers Mr. Popple wrote to him for, but Mr. Smith says they have not had leisure. *Signed*, William Mathew. *Endorsed*, Recd. 15th Oct., Read 12th Dec. 1735. 1 p. *Enclosed*,

42. i. Powder Office accounts, St. Christophers, Jan.—July, 1735. *Endorsed*, Recd. Oct. 15, 1735. 4 pp.  
42. ii. Licences Duty account, St. Christophers, Jan.—July, 1735. *Signed* and sworn to by William Pym Burt, Treas. *Endorsed as preceding*. 1 p.  
42. iii. Liquor duty account, St. Christophers, Jan.—July, 1735. *Signed and endorsed as preceding*. 1 folded p. [*C.O.* 152, 22. ff. 23, 24 v., 27–28 v., 29 v.—31 v.).

July 31.  
Whitehall.

43. Council of Trade and Plantations to the Duke of Newcastle. Upon looking into our books, we find, our predecessors have sometimes found themselves under difficulties for want of being informed of such commissions, orders or instructions as may have passed in the Secretary's Office, for persons and matters relating to the Plantations; we therefore take leave to remind your Grace of our letter of 22nd Aug., 1727, and to desire your Grace would be pleased to give directions that for the future, proper notice may be given to this Board, of all such commissions, orders and instructions, or of any licences of absence given to any of the Councillors in the Colonies, which we apprehend, will be for H.M. service. *Autograph signatures*. 1 p. [*C.O.* 5, 5. f. 123; and 324, 12. p. 123].

July 31.

44. Abstract of letter from Lt. Governor Pitt. [*C.O.* 37, 24. f. 21 v.]

July 31.  
London.

45. Daniel Vernezobre to the Council of Trade and Plantations: "It is about a year ago, that a gentleman of my acquaintance is gone to settle with his family at Parisbourg in South Carolina, at which time I gave him under his care several people



1735. [45]

to carry over at my own expence, with condition pr. agreement to assign me over my proportion of the lands that should be so given to him for my said servants " etc. As the said lands are in the said gentleman's name, advantage might be taken of the Governor's 43rd Instruction reserving lands within six miles of the said town to the inhabitants. Memorialist having already spent above £1000 sterl. on sending over people with tools, negroes etc., prays that the new Governor may be instructed to transfer these lands to his name etc. *Signed*, Daniel Vernezobre. *Endorsed*, Recd. Read 8th Aug., 1735. This memorial not granted on account of the 43rd Instruction to Col. Johnson. 1 large p. [C.O. 5, 364. ff. 58, 63 v.]

July 31.  
Kensington.

**46.** H.M. Additional Instructions to Governor Cunningham. v. 9th July, encl. i. The Instructions are here issued "in his Majesty's name." *Signed*, C.R., C.R. [*Carolina Regina, Custos Regni*]. *Copy*. 3¼ pp. [C.O. 137, 55. ff. 153-154 v.]

Aug. 1.

**47.** Mr. Popple to Mr. Fane. *Encloses*, for his opinion in point of law, four Acts of Bermuda, 1734. (i) for *laying a duty upon the whale fishery, for the use of H.E. the Governor in lieu of the benefits formerly accrued to this said Excy. thereby*; (ii) to prevent vexatious suits and limittin the time of returning executions etc. (iii) for renewing the Act to prevent any person from having any net exceeding 3½ fathoms, and to prevent hauling fish by any other contrivance. (iv) for raising a sum of money for payment of the publick debts. [C.O. 38, 8. pp. 177-179].

Aug. 1.  
Whitehall.

**48.** *Same to Same*. *Encloses*, for his opinion in point of law, 8 acts of the Bahama Islands, 1734, 1735. [C.O. 24, 1. p, 299].

Aug. 1.  
Whitehall.

**49.** *Same to the Bishop of London*. Has been instructed by the Lords Commissioners to insert an article in the Instructions of the Governor of Barbados, relating to this Commissary, as desired by his Lordship 26th July. [C.O. 29, 16. p. 41].

Aug. 2.  
St. Christophers.

**50.** Governor Mathew to Mr. Popple. *Encloses* Act of St. Christophers for raising a levy, to be laid before the Board for their recommendation to H.M. *Signed*, William Mathew. *Endorsed*, Recd. 15th Oct., Read 12th Dec., 1735. 1 p. [C.O. 152, 22. ff. 32, 35 v.]

Aug. 2.  
Barbados.  
Pilgrim.

**51.** President Dottin to the Council of Trade and Plantations. I had the honour of addressing your Lordships by the first vessell that sailed from this Island after we had the misfortune of loosing our worthy Governors Lord Howe, etc. His late Excellency was pleas'd to signify to the Council he had directions from your Lordships to make the best enquiry he cou'd concerning H.M. right to the Island of Sta. Cruz, and desired the members of that Board to get all the information they cou'd and acquaint him thereof, to communicate to your Lordships, and his Excellency likewise used his best endeavours for that purpose, but all

1735.

[51]

he was able to procure was a deposition made before a Justice of Peace here of one Captain William Dowding who is the only person now on the Island that can give the best intelligence concerning it. I have herewith sent your Lordships what he has sworn relating thereto, which was not put under the seal because his Excellency thought it wou'd not be very material, but I hope, as General Mathew was the mover in this affair, he has been able to give your Lordships full satisfaction. The people of this Island were so fully sensible how much they owed to the memory of their late Governor under whom they had enjoy'd many advantages, they therefore were resolved to shew their gratitude in the best manner they were capable, and accordingly their representatives proposed a law for manifesting the people's gratitude and appropriating a sum of the public money for payment of his Lordship's debts and for the use of her Ladyship, the preamble of the act so fully sets forth the reasons for making it, that I shall add no others, not doubting I shall have your Lordships' approbation for assenting thereto, and pursuant to my instructions I have sent your Lordships a copy thereof under the seal of the Island, which I hope your Lordships will report to H.M. for his approbation. The Minutes of Council I find have not been transmitted for some time, occasion'd partly for want of a proper conveyance, and from the deputy Secretary's being mistaken at first, in the time they were last sent, they are now completed to the sixteenth of April last beginning from the time they were last transmitted, and I hope they will come safe to your hands. I intended to have troubled your Lordships with this letter by Capt. Duce who sailed the 12th of May last, but being taken violently ill which continued on me for many months so that my life was often dispair'd of, and not yet being perfectly recover'd, was the reason of their not coming sooner. As your Lordships, I am convinc'd, will ever afford your assistance in relieving this Island from any hardships it may be under whenever you are made acquainted therewith, I think it my duty to inform your Lordships, that unless some means are speedily taken for the better encouragement of our trade, it will not be possible for the planters, who are greatly in debt, long to subsist, but as many of them have ruin'd their plantations by runing off the Island with their negroes, and land without stock is of little value, so it is much to be feared others will follow their example, and in a few years this Island will be possessed only by a small number and not have strength enough to manure above a quarter of it. Our produce of late years has scarce sold for more than it's cost and if no profit ensues from great labour and industry, there will be a temptation to give it over and let the land lye fallow. What induced me to mention this to your Lordships was some new hardships laid on the planters and shippers of our produce by the Custom House Officers, which in general, for I will not trouble your Lordships with the particulars, prove so destructive to the trade, navigation and industry of the inhabitants of this place, that if they continue to be enforced another year, the planters will be tempted entirely to give up their trade rather than comply



1735. [51]

with these impositions, if your Lordships are desirous of knowing the particulars I believe the Commissioners of the Customs whose Surveyor General has, I have heard, fairly represented these inconveniences to them or the Agents of this Island will fully inform your Lordships, and if their Honours will not give proper relief, I presume to hope your Lordships will interpose in obtaining it, and establish the method that has been followed in the collection of the duty of four and a half p. cent from the time of making the law which granted it. If a war should happen, your Lordships will be pleas'd to think of applying to H.M. for such assistance as is proper for the safety of this Island now in a very defenceless condition and the inhabitants unable to raise a currency to put it into better order nor to purchase necessary small arms and accoutrements. I hope it will be consider'd by your Lordships as some consequence to it's mother country and therefore deserving notice, and I doubt not your Lordships will be able to prevail on H.M. to grant whatever is fit on such an occasion. It will be a very great pleasure to me to be favour'd with any of your Lordships' Commands, *etc.* *Signed*, James Dottin. *Endorsed*, Recd. 7th Nov., Read 11th Dec. 1735. 2½ large pp. *Enclosed*,

51. i. The [de]position of William Dowding, 15th March 1735. In 1695 deponent made a voyage in a sloop, of which he was master, to the island of St. Thomas. He took notice of some beef brought thither, which had been very lately killed, and was informed that the inhabitants of St. Thomas had been over to the island of Sta. Cruiz, which deponent was then told was uninhabited, to hunt and kill wild beasts, and that such beef was brought from that island thither *etc.* *Signed*, Wm. Dowding. *Endorsed*, Recd. 7th Nov. 1735. ¾ p. [C.O. 28, 24. ff. 130-132 (including abstract), 133-134, 137 v.].

Aug. 2. Barbados. 52. President Dottin to the Duke of Newcastle. Repeats gist of preceding covering letter. *Signed*, James Dottin. *Endorsed*, R. 19th. 2¼ pp. [C.O. 28, 45. ff. 333-334 v.].

Aug. 4. Whitehall. 53. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 26 acts of Virginia, 1734. Titles given. [C.O. 5, 1366. pp. 126-130].

Aug. 6. Whitehall. 54. Council of Trade and Plantations to Committee of the Privy Council. Report upon petition, Nov. 1, 1734, against Act of New York to *repeal the act granting duties for support of Government etc.* Having heard the Agent of petitioners and consulted Mr. Fane, observe that clauses of this act provide for duties of negroes imported, and on all European and East India goods imported from the British Islands in the West Indies *etc.* *Continue* :—As these clauses are greatly prejudicial to the Trade and Navigation of this Kingdom, and are likewise expressly contrary to H.M. Instructions to the Governor, by which he is

1735.

[54]

directed not to pass any act for imposing duties upon negroes payable by the importer, or whereby the Trade or Navigation of this Kingdom might be any ways affected, unless a clause be inserted in such act for suspending the execution thereof till H.M. pleasure should be known *etc.*, we should for these reasons propose to your Lordships that the act in question might be laid before H.M. for his disallowance. But considering the inconveniencies and confusion that might arise in the Provinces of New York, if this act, which settles funds for the support of H.M. Government there, should be repealed before other provisions are made for the same purposes, we therefore humbly propose, that this act may be suffered to ly by for the present, and that orders may be immediately sent to H.M. Governor of New York to move the Council and assembly of that Province, forthwith to pass a new law for repealing the three foregoing clauses, and for providing and settling other funds for like purposes not liable to the same objections. We take leave to transmit the draught of such an Instruction as we have prepared upon these heads for the Govr. of New York, which if your Lordships should approve it, may be immediately sent to him. But if the Council and Assembly shall refuse to comply with this Instruction, we would then propose that the act in question may be laid before H.M. for his disallowance. *Annexed,*

54. i. Draft of H.M. Additional Instruction to Governor Crosby. Whereas several merchants and traders of Our City of Bristol have most humbly petitioned the complaining of *the Act referred to in preceding, etc.*, which Act *etc.* is found to be directly contrary to the 18th article of your Instructions *etc. (v. preceding)*. It is therefore Our express will and pleasure that you move Our Council and Assembly of Our said Province, forthwith to pass a new law for repealing the three *above-mentioned* clauses, and for providing and settling other funds for the like purposes not liable to the same objections, or at least that an exception be made in favour of all goods whatsoever of the product or manufacture of Great Britain; and that no duty be laid on any slaves imported payable by the importer, and you are also to signify Our Royal Intention to Our Council and Assembly of Our said Province that if they do not immediately comply with this Our Instruction, we shall repeal the act now complain'd of. [*C.O.* 5, 1126. *pp.* 1-7].

Aug. 8.  
Whitehall.

55. Council of Trade and Plantations to Governor Fitzwilliam. We have received your letters of the 5th of December 1733, 10th of February 1733/4, 2nd of July, 7th of Sept. 1734, and of 11th of March last, with the Acts and publick papers, you therein mention to be inclosed. We find by your said letters, that besides Mr. Jackson and Mr. Stewart whom you had sworn into the Council of the Bahamas in the room of Mr. Thompson or Mr. Rogers, you have likewise sworn in Mr. Hale in the room of the late Mr. Hurst and Mr. John Thompson in the room of Mr.



1735.

[55]

Jackson, who refuses to act, and Mr. Loney, but you do not tell us, in the room of which Councillor you have sworn in this last, by which means we are at a loss to know of whom your present Council consists : we therefore desire that in your next letter you will send us an extract state of the Council, distinguishing who are upon the Island, and as occasion happens we shall propose to H.M. proper persons to supply vacancies, and shall have a due regard to those you have recommended to us, for this purpose. We have considered what you write concerning the state and condition, of the Islands under your Government, as likewise the wants of warlike stores therein : upon which occasion, we have also had under our consideration the report signed by you and which was to have been sign'd by the Engineer had he lived, concerning the state of the forts and fortifications with the estimate of the charge of compleating the whole, and supplying the same with arms and stores ; this report was referred to us by the Lords of the Council and so soon as we shall have thoroughly considered the same, we shall make our report thereon ; but in the meantime we must observe to you that altho' you did very right to send your report to the Lord President ; yet you should have remembred that according to your Instructions, you ought to have sent to us likewise a duplicate of the said report, as you are to do of all transactions in your Government ; and now that we are upon the subject of your correspondence with us, we desire that in all your future letters, you will constantly mention the date of your preceeding, for without this necessary form, it is impossible for us to know whether we received all the letters you write to us, It will be likewise necessary that you inform us by what ship you sent your preceding letters. But to return to the subject of the Estimates now before us, we must inform you, that altho the whole may be judged absolutely necessary yet it is to be considered whether H.M. should be at so great an expence before the purchase of the Islands is compleated. That matter now lies before the Lords of the Treasury, and we hope will soon be determined. In your letter of the 2nd of July 1734, you mention your having obliged all those who make salt to enter into bonds, to pay upon demand to the Commander in Chief, one tenth part of what they should get, for the use of the publick of these Islands. But we do not observe that you have required the same bonds for those who cut brazilletto, or other wood. And as to such of the people who make any scruple of paying the said tenth part of salt and wood upon account of their supposing that the king has made the purchase ; you must acquaint them, that the king purchases, whatever rights and profits the Proprietors had in the Bahama Islands, and that any payments due to the Proprietors, will become due to H.M. upon compleating the said purchase ; wherefore we think you did very well to insist upon their entering into bonds for the payment of their tenth, and desire you will take care to take the same from such as scruple to pay, until the purchase is compleated. We have sent the Acts you have passed to one of H.M. Counsel at Law for his opinion in points of Law thereupon ; and when we have received the same, we shall take

1735. [55]

the said Acts more immediately into consideration ; and in the meantime we send you copies of those, that were pass'd by Captain Rogers, with your remarks made on them before you left England that you may consider the same ; and if you find any of them, not at present consistent with the good of the Island you may pass a Law to repeal them, always taking care that the Act repealing or altering any of them have the suspending clause inserted therein, according to your 40th Instruction ; upon this occasion we can't help expressing our surprize at there appearing no transcripts of them in the Islands : Notwithstanding which we must observe to you that they are Laws in being, and are deposited in our office, under the Great Seal of the Bahamas as such, and therefore they require your particular consideration with regard to the welfare and convenience of the Islands ; for this reason we desire to hear from you upon this head. [C.O. 24, 1. pp. 300-305].

Aug. 8.  
Whitehall.

**56.** Mr. Popple to Wavell Smith. Genl. Mathew having excused himself for not having sent over the transcripts of papers required by his Instructions, alledging that you do not furnish him therewith as you ought to do *etc.*, I am to acquaint you, that my Lords Commissioners do not conceive it proper to admit of any delay, in H.M. business on account of any difficulties you may have to furnish the Govr. with transcripts of such papers as are necessary to be sent hither from you several officers, and therefore their Lordships are determin'd, if any more complaint of the like nature shoul'd be made to them, to lay a state of the affair before H.M., and my Lords have wrote to Genl. Mathew to give them an account from time to time, whether you furnish him with such transcripts as are to be sent hither. [C.O. 153, 16. p, 5].

Aug. 8.  
Whitehall.

**57.** Council of Trade and Plantations to Lt. Governor Pitt. *Acknowledge* letters of 13th Sept. 1733, 30th May and 10th Oct., 1734, and 26th May and 5th Oct., last (*sic rectius* 1734). Have sent Acts transmitted therein to Mr. Fane *etc.* *Continue* : In your letter of 5th Oct. 1734, you acquaint us, that there were three vacancies in the Council and that by the violent indisposition of three others, you were obliged to recommend Messrs. Darnell, Hunt and Spofferth. You likewise say, that you shall be obliged to call them to the Council, before you can receive their mandamus's. Whereas in your letter of 26th May last, you only remind us of your having recommended those three gentlemen to us, without ever mentioning the names of those who were violently indisposed : By which omission of yours, we are neither informed of the state of the Council nor can we recommend to H.M. those gentlemen you have proposed to us ; and therefore we must desire you will be more particular, in your manner of corresponding with us for the future, and let us constantly know the names of such members as die, or depart out of your Government, with or without your licence for that purpose, that we may have an opportunity of considering who are proper persons to supply their



1735. [57]

vacancies. We likewise desire you will constantly mention the date of your last letter, and by whom sent, that we may know to whom to charge neglects. Your letter of the 5th of Oct. 1734 not being delivered to this Office until the 31st of the last month. [C.O. 38, 8. pp. 179-181].

Aug. 12.

**58.** Jermyn Wright to Mr. Popple. Encloses H.M. sign manual appointing his father Chief Justice, S. Carolina *etc.* Signed, Jermyn Wright. *Endorsed*, Reed. Read 14th Aug., 1735. *Addressed*.  $\frac{3}{4}$  p. *Enclosed*,

58. i. H.M. Warrant for appointing Robert Wright Chief Justice, S. Carolina, to hold "the said office during Our pleasure, and his residence *etc.*, together with all and singular the rights, profits, priviledges, and emoluments unto the said place belonging, *etc.*, with full power and authority to hold the Supreme Courts of Judicature, at such places and times as the same may and ought to be held within our said Province" *etc.* St. James's, Nov. 30, 1730. *Countersigned*, Holles Newcastle. *Copy*. 1 p. [C.O. 5, 364. ff. 59, 60, 62, 62 v.]

Aug. 12.  
Whitehall.

**59.** Mr. Popple to Mr. Burchett. Complaint having been made during the last war with France, that, "there had been great irregularities in the manner of granting Commissions in the Plantations to private ships of war," Instructions were thereupon sent to all the Governors of the British Plantations in America to govern themselves when "there should be occasion, according to the Commissions and Instructions granted in this Kingdom," copies whereof were then sent to them; This Instruction has been continued to the Governors ever since, without alteration, but no such copies sent or given to the Govrs.; whereupon Mr. Mathew, Govr. of the Leeward Islands, in a letter to my lords Commissioners, having pray'd that the draught of the Commission and Instructions may be sent him for his guidance therein, in case of a war breaking out, My Lords Commissioners *etc.* commanded me to desire, you will move the Rt. Honble. the Lords Commissioners of the Admiralty, that draughts of such Commissions and Instructions, as are necessary to be given to private ships of war, when any such are fitted out by the said Govrs., may be sent to this office. [C.O. 324, 12. pp. 124, 125].

Aug. 13.  
Whitehall.

**60.** Council of Trade and Plantations to Governor Mathew. *Acknowledge* letters from Nov. 5, 1733—May 5, 1735, and *enclose* copy of Mr. Popple's letter to Wavell Smith (v. Aug. 8). *Continue*: However we desire that you will from time to time send us an account of his behaviour in this point, as likewise of his Deputies, being determined not to suffer any delay in H.M. affairs, on account of their neglect. We observe that in some of your letters you complain of difficulties which you lye under for want of a quorum, in the several Councils. We have therefore wrote to the Duke of Newcastle *etc.* to desire he will give us constant accounts when any Councillor shall apply to his Grace for H.M. licence to be

1735. [60]

absent, and we shall always inform you thereof. We have likewise wrote to Mr. Hodges and Mr. Roberts, the two Montserrat Councillors now in England. Mr. Hodges having inform'd us, that he does not know when, or whether he shall ever return to that Island ; we shall immediately recommend another to supply his place in the Council, and when we shall see Mr. Roberts, who is now in the country, we shall come to some determination upon his account. Having some time ago had under our consideration the State and condition of the Leeward Islands with regard to their want of stores, as likewise your letter to us upon this subject ; we did lay before the Lords of the Council the list of Ordnance and stores of war desired for the defence of the Leeward Islands presented to us by the Agents of Antigua and St. Xtophers, with our remarks thereupon part of the said stores not being thought so immediately necessary for your service, and we proposed their being sent to Antigua to be distributed amongst the Leeward Islands in proportion to the number of the militia in each of the said Islands respectively. In your letter of ye 19th of March 173 $\frac{3}{4}$  you mention the sale of the Islands of Sta. Cruz by the French to the Danes, and your apprehensions that many of the poorer sort of people wou'd remove from Anguilla, Spanish Town and Tortola and settle under the Danish Government at Sta. Cruz, some from St. Xtophers having already done so. Upon this occasion we have only to observe, that you must use all possible legal means to prevent the same, and as to the sale of this Island to the Danes, that matter together with our Representation thereupon, with what you have wrote upon the subject of your 87th Instruction relating to the Danish settlements on St. Thomas and St. John's, now lies before H.M. and when H.M. shall have determined what is proper to be done upon this subject, you will receive proper instructions from H.M. upon that head. In your same letter you desire our advice upon the 40th Article of your Instructions, vizt. whether, you are to acquaint us with every removal of any militia officer or Justice of the Peace within your Government ; we are of opinion that Instruction relates only to the removal of civil officers and not the military. We have sent a copy of that paragraph of your same letter, and of your 78th Instruction relating to the Commissions and Instructions which you are to give to Cpts. of ships in time of war, to Mr. Burchet, Secy. to the Lords of the Admiralty that directions may be given for furnishing you with copies accordingly. We very much approve what you write, in your letter of the 18th of April 1734, upon the subject of the Act you pass'd in Montserrat, for the more speedy building a church in the parish of St. Anthony, therefore we recommend it to you, to use your endeavours to get some General Act pass'd in that Island, for putting the several parishes in the Island not already regulated by vestries, under the same regulation, and likewise that care be taken therein, for making some annual provision for the parson. We likewise approve your design, in getting the act pass'd for encouraging the people to build houses within the several fortifications of Brimston Hill, Charles Fort, and Fort Londonderry,



1735.

[60]

which we think will be of great use to them, in case of being invested by an enemy ; and when there is any prospect of a war, you may depend upon receiving the most early intelligence we can give you. As to what you say to the other act inclosed in your same letter, for reducing the fee of three shill. a sheet taken by Mr. Smith as Clerk in Chancery, we avoid giving any opinion until Mr. Smith, who we find, is daily expected in this Kingdom, shall arrive, altho' in general, we do approve your design of reducing all fees to the bounds of moderation, according to the 46th Article of your Instructions, yet as this, is a particular case, deemd by Mr. Smith his private property, and founded upon custom, we think it proper to here what he may have to offer against the Act, before we give any opinion upon it. We observe what you write in your same letter, about a dilemma you apprehend you will be in, in case of a war, on account of their being no law subsisting, to oblige the Islands under your Government to furnish the proper quota in case any one of them should be attack'd, except the old law you mention, in which the proportions are ill made, but which law is now out of date. Upon this occasion we cannot but observe that the common safety of these Islands in general is very much concern'd, even in the attack of one of them alone ; and as it is not certain which of them would be first attack'd should a war break out, it seems a very proper time to lay before them their common danger, which without doubt, will induce them to come into some law, to proportion what contributions, each Island shall make, in case of any danger. And we desire you will inform us what success you meet with in this particular ; and upon receiving your answer, we may then consider what is proper to be done. As to the small vessel which you represent as absolutely necessary not only to transport you from island to island, and to prevent clandestine trade, but also in case of danger ; to carry succours from one island to another, my Lord FitzWalter has spoken to St. Charles Wager first Lord Commissr. of the Admiralty and has inform'd us from him, that Capt. Brand, Commander of the ships on your station, has instructions from the Admiralty, that the sloop now at the Leeward Islands shall carry you from island to island, and assist you upon all necessary occasions, as need shall require, and this we hope will answer, what you have thought wanting on this subject. We cannot close our answer to this letter of yours without telling you, that we very much approve your diligence and care in the having obtain'd the act which was pass'd at Antigua in 1733 $\frac{1}{2}$  for providing platforms, and cisterns of water, for the use of H.M. ships of war there. Upon considering your letter to us of the 17th of June 1734 in relation to the disorderly inhabitants of Anguilla, Spanish Town and Tortola, we find among the methods which you have proposed for bringing them into better order, that you would issue writs for chusing persons there to form something like an Assembly, and that to set up some form of legislature, you would name a small number out of each island to serve as Council to the Lieut. Govr. as this may be the most effectual method to obtain the good end you propose, we desire

1735.

[60]

you will in your next letter let us have your thoughts more at large thereon, as likewise, whether you propose that the Virgin Islands together may compose one little Government dependent on your commission, or whether you propose, that the three Islands you have named may each of them have their separate legislature, and when you have done this, we shall turn the matter more at large in our thoughts, in order to lay our opinion thereupon before H.M., without whose express leave altho' you may appoint Lieut. Govrs. you cannot establish a form of legislature in those Islands, as it is an indulgence that depends alone upon the prerogative of the Crown. For this reason we must desire you likewise to inform us in your next letter, what establishments there are at present subsisting in the Island of Tortola and by what authority's for by the act, you lately sent us, passed there the 23rd of Novr. 1734 entituled, *An Act for punishing rebellious negroes, and such of them as desert their masters services, and for the better encouragement of such of the Christian inhabitants or slaves, as shall apprehend, or take any such rebels as run away, so that they may be brought to justice*, it appears to have been pass'd by you, as Capt. General of the Leeward Islands by and with the advice and consent of the Council in Assembly of Tortola, an island in which we did not know there was either Council or Assembly subsisting, the act has a very good intent, and we hope it may be attended with good consequences, and therefore we shall at present take no other notice of it, than to let it lye by, because any act passed by an unwarranted legislature, must in course be declared null, and as such we ought to lay it before H.M. if we were to take any notice of it, otherways than as an agreement made by the inhabitants for their own safety, against their negroes. And with regard to your other proposal of appointing three or four justices to go thro' these islands once or twice a year, as the Judges go the circuits in this Kingdom, it must be observed that these judges give judgment in all cases according to the laws of the kingdom wherein they are appointed; but as none of the Virgin Islands are govern'd by, or subject to the laws of any of the Leeward Islands and have no laws of their own, except the last mentioned, this proposal altho' very good in itself, must sleep, until, upon what you shall further lay before us, we shall have sent you H.M.'s immediate directions. In the same letter you acquaint us, that when you communicated to the Assembly of Antigua your 44th Instruction relating to the Court of Chancery, they could not prepare the law thereby recommended, alledging that they were at a loss to know which articles in the Act of Antigua pass'd in 1728, entituled, *An Act, to supply the defects of a certain act of this island, entituled an Act, for constituting a Court of Chancery in this Island and for holding Courts of Chancery in the absence of the Commander in Chief of the Leeward Islands from this Island, and for regulating the proceedings in Chancery causes and for settling ye value of things in question on appeals to H.M. when the value shall be doubtful* were disapproved by the Board; the intention of this article of your instructions is very plain; and that the Assembly may no longer have any difficulty with relation



1735.

[60]

to the said act, we think it necessary to acquaint you, that we have no objection to such parts thereof as relates simply to the regulation of proceedings in the Court of Chancery, but we can by no means approve that part thereof, which seems to attempt to exclude all courts held in any other country except in Antigua alone, from making decrees or orders in case of suits for lands, tenements, and hereditaments, where the interest or thing sued for shall lye in that Island, and in case of personal demands, where the person of the defendant is resident in the said island, for altho' this clause is not sufficient to exclude the jurisdiction of any of the Courts of this Kingdom, yet it seems particularly calculated against the jurisdiction of the Court of Chancery here, which is an attempt never to be countenanced. We approve your having removed the Clerk of the Assembly of St. Xtophers, for not supplying you with the necessary copies of the journals to be transmitted to this office, and we think you will do well to take the same method when ever any officers will not obey the orders enjoin'd by your Instructions, it being highly improper that the King's affairs should suffer thro' their neglect or obstinacy. We have given due weight to what you have represented concerning the necessity of receiving a Powder Duty in the Islands under your Government, and H.M. has already been pleased to approve of two Instructions which we have laid before him, for allowing you to give your consent to acts for this purpose at Antigua and St. Xtophers, provided no leave is given thereby to commute powder for mony, where powder may be had ; you will therefore do well to be very cautious in not passing any Acts, with this liberty, because they will immediately be repealed, and you will gain H.M. displeasure. We have likewise prepared another Instruction to allow you the same liberty at Montserrat under the same restriction, and we shall immediately lay the same before H.M. for his approbation. Your salary Acts having, upon our representations to H.M. been severally approved, we wish you health to enjoy the same, etc. etc. [C.O. 153, 16. pp. 10-24].

Aug. 13.  
Whitehall.

**61.** Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* Genl. Mathew hath represented to us, that he finds himself under great difficulty to procure gunpowder for the defence of H.M. island of Montserrat, from the restraint he is laid under by his Instructions not to give his consent, to any act which may affect the Trade and Navigation of this Kingdom. Considering therefore the necessity of putting that Colony into a state of defence and their own incapacity to purchase such arms and military stores as are necessary for that purpose ; we are humbly of opinion that your Majesty should be graciously pleased to allow Mr. Mathew to pass an act in Montserrat for levying a duty of gunpowder upon the tonnage of shipping trading to that island *etc.* *Enclose* draft of Instruction to be immediately transmitted to him. *Annexed,*

61. i. Draft of H.M. Additional Instruction to Governor Mathew. Application having been made to Us to

1735. [61 i.]

permit you to give your assent to an act *etc.*, described in preceding, and We being given to understand that it has long been customary to levy a duty of gunpowder upon the tonnage of shipping trading to the Leeward Islands, which has been of great service in furnishing their magazines with powder for their defence in times of danger, and that Our said island of Montserrat thro' the great losses received from the French in the late war, excessive droughts, and other misfortunes attending the inhabitants thereof, are become unable to provide such a quantity of arms and ammunition as is absolutely necessary for their defence in case of a war breaking out in those parts, without some such assistance, It is therefore Our will and pleasure that you do give your assent to an act for that purpose in our said Island, to continue in force for three years, provided care be taken to oblige the proper officers for collecting this duty to receive it in kind only, if gunpowder may possibly be procured, and likewise that he be in that case restrain'd from commuting gunpowder for money ; But so far as the quantity of gunpowder shall fall short, the duty may be made up in money, provided also that all such money taken in lieu of gunpowder be applied to the buying gunpowder or other stores of war for the defence of the island, and of the ships trading thither and to no other use or purpose whatsoever. [C.O. 153, 16. pp. 6-9].

[Aug. 13].

**62.** Memorandum [? of *Proposals*] by Mr. Oglethorpe. A letter from the Duke of Newcastle to Col. Broughton, Lt. Governor of S. Carolina, that the Independant Company should be removed to the Southward and quartered upon the island of St. Simons under my inspection, and that he should recommend it to the Assembly to give their assistance towards fortifying that island to send down two hundred negroes to work for one year upon building a fortress there, and farther, that he should consult with me in matters relating to the safety and defence of Carolina, and following directions therein. That his Grace would write letters to all the other Governors of America, in the same manner as he was so good as to do when I went last thither. That the Deputy Governor of S. Carolina be instructed to recommend to the Assembly to pass an act or acts for contracting with persons of substance and ability for settling the townships and to give to such person or persons, such parcels of lands with the townships and within the six miles round the same and such other encouragements and authority as the said Assembly shall find necessary for the better peopling of the townships, and that the Deputy Governor do sign grants pursuant to such acts or contracts, provided always that the contractor or contractors shall be obliged to settle six hundred white men, women and children in the township for which they contract within six years from the date of the grant, and to pay quit rents within ten years after



1735. [62]  
the date of the grants, *on penalty* of forfeiting lands proportionable to the number deficient or quit rents not paid *etc.* *Without date, signature or address.* *Endorsed*, R. from Mt. Oglethorpe. 1½ pp. [C.O. 5, 654. ff. 16, 16 v., 17 v.].

Aug. 13. 63. Council of Trade and Plantations to the Commissioners  
Whitehall. of Customs. It having frequently happened that packets directed to our office, from ye Plantations in America have lain for many months in the Custom House warehouse, to the great delay of H.M. service, we desire you will please to give directions, that whenever any such packets shall for the future be left in your warehouse, our Secretary may be informed thereof. [C.O. 324, 12. p. 125].

Aug. 13. 64. Council of Trade and Plantations to Committee of  
Whitehall. Privy Council. We have considered a petition of several merchants of Bristol, complaining of an Act of New Jersey *etc. for the better support of that Government.* We have consulted Mr. Fane *etc.* upon this Act, who hath no objection to it in point of law; but having been attended by the Agent for the petitioners as well as by the Agent for the Province of New Jersey, we take leave upon the whole to acquaint your Lordships that in this Act there is a clause, *which imposes a duty of forty shillings for each ton of Copper ore exported out of New Jersey to any of the neighbouring Colonies, and not carried directly from thence to some port or place in Great Britain to which the same may be lawfully conveyed.* But we are informed it is usual for ships to take in a certain quantity of Copper Ore at New Jersey, with which they go to New York, or some other neighbouring Province in order to compleat their lading, and then sail to Great Britain, in which case the Copper Ore taken in at New Jersey becomes liable to the duty of forty shillings pr. ton, altho' it was never intended to be sold in America. This therefore must be considered as a duty indirectly laid upon the trade of this Kingdom, for which reason we should humbly propose that this Law might be laid before Her Majesty for her disallowance; But considering that it might be of ill consequence if the several provisions thereby made for support of H.M. government should be set aside, before other means are provided for the same purposes; we are therefore of opinion that this Act should be suffered to ly by for the present, and that the Governor of New Jersey may be directed to move the General Assembly of that Province to pass a new Law which may re-enact the several clauses of this Act, with exception to that above-mentioned whereby forty shillings pr. ton is laid on Copper ore exported from New Jersey to the neighbouring Colonies and also to make other provisions for the support of the Government, instead of the said duty on Copper ore. [C.O. 5, 996. pp. 378-380].

Aug. 14. 65. Order of Committee of Council for Plantation Affairs.  
Whitehall. Referring following to the Council of Trade and Plantations for their report. *Signed*, W. Sharpe. *Endorsed*, Reed. 18th, Read 20th Aug., 1735. 1 p. *Enclosed*,

1735.

65. i. Petition of the Trustees for establishing the Colony of Georgia *etc.* to the Queen, guardian of the Kingdom *etc.*, 30th July, 1735. The protection of H.M. Province of Georgia by well fortifying the same is of the greatest importance to H.M. other Dominions on the Southern part of America. Petitioners are now preparing to make a new settlement for H.M. service which will stand in great need of defence. *Pray* for H.M. directions for delivery to petitioners as soon as possible of the following:—24 peices of cannon from 6 to 18 pounds with iron'd carriages and shott and iron for 2 spare carriages; 4 small long field peices with carriages; 8 cohorns and granadoes; 500 small arms and shott cartouch boxes and moulds and flints; 2 flaggs and 2 pendants;— 50 barrells of powder; sponges, ladles, rammers, crows *etc.* *Signed*, Benj. Martyn, Secry. *Copy.* 1 p. [*C.O.* 5, 364. *ff.* 142, 143, 145 v.].

Aug. 14. **66.** Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, 22 Acts of New York, 1734, (*enumerated*). [*C.O.* 5, 1126. *pp.* 7–11].

Aug. 14. **67.** Order of Committee of Privy Council. Referring  
Whitehall. following to the Council of Trade and Plantations for their report. *Signed*, W. Sharpe. *Endorsed*, Recd. 18th, Read 20th Aug., 1735.  $\frac{3}{4}$  p. *Enclosed*,

67. i. Address of President, Council and Jamaica to the King, praying for a supply of warlike stores. Copy of May 15, encl. i. [*C.O.* 137, 21. *ff.* 221, 222, 222 v., 224 v.]

Aug. 14. **68.** Order of Committee of Privy Council. Referring  
Whitehall. following to the Council of Trade and Plantations for their report thereon. *Signed*, W. Sharpe. *Endorsed*, Recd. Read 25th June, 1736. 1 p. *Enclosed*,

68. i. Petition of Samuel Wragg, of London, merchant and one of the Council of S. Carolina under the late Lords Proprietors, and of Joseph Wragg, his brother, one of the present Council, to the Queen, Guardian of the Kingdom, in Council. Samuel Wragg has with great charge to himself procured upwards of 400 persons to transport and settle themselves in Carolina, and has continually traded to that Province as considerably as any other person whatever. Petitioners having the interest of that Colony at heart, and being desirous to be assisting not only to Georgia but also to the settlement Mr. Pury has made, desire that Samuel Wragg may have 12,000 acres of land in Granvill County on the River May, which were formerly granted to the Duke of Beaufort and have since been surrendered to the Crown; and that Joseph Wragg may have other 12,000 acres in Wipiauw in Craven County, which were also formerly granted to the said Duke, and are now become



1735. [68 i.]

vacant lands, that they may plant and settle the same and carry on trade with the aforesaid settlements of Georgia and Mr. Pury *etc.* *Signed*, Sam. Wragg, Jos. Wragg. *Endorsed*, Recd. (from Mr. Shelton), Read 25th June, 1736. 2 pp. [C.O. 5, 365. ff. 80, 81, 81 v., 82 v.].

Aug. 14.  
Whitehall.

69. Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report thereon. *Signed*, W. Sharpe. *Endorsed*, Recd. 18th Aug., Read 3rd Sept., 1735.  $\frac{3}{4}$  p. *Enclosed*,

69. i. Address of the Council and Assembly of the Bahama Islands to the King. Your most dutifull and loyal subjects *etc.* most humbly beg leave to approach your most sacred person with hearts unfeignedly thankfull for the benefits we enjoy in common with your Majesty's other British subjects under your most auspicious reign and particularly for your Majesty's tender and paternal regard to us in directing the right of the Proprietors and Lessees of these islands to be purchased, from whence we may further hope from your royal bounty a confirmation of the titles of our lands as an encouragement to our future industry. And among the many other marks of your Majesty's royal favour we cannot esteem it the least that your majesty has been graciously pleased to appoint H. E. Richd. Fitzwilliam to preside over us whose known attachment to the illustrious House of Hanover, zeal to your Majty's. service and the welfare of these islands, justness of administration and experience and knowledge of the constitution and interest of your Majesty's American Dominions cannot but make him a very acceptable Governor to this infant colony. We humbly pray leave to represent *etc.* that tho' we are and shall at all times be ready to hazard our lives in the defence of your undoubted right to these islands, yet we humbly apprehend that unless your Majty. be graciously pleased to direct that care be speedily taken to put us in a better posture of defence than we are at present [*? or*] our poor abilitys will permit us to put ourselves and that some means be thought of to augment our numbers which are at least one third diminished by a contagion that has lately been among us it will be impossible to prevent these islands which by their situation are of so great consequence to your Majesty and the trade of Great Britain from falling into the hands of any enemy that may invade us. May the Divine Providence which has hitherto so conspicuously directed your Majty's. Councils to the glory of your reign and the good of all your Majty's. subjects preserve your Majesty *etc.* *Signed*, J. Howell, Pres. Counc., James Scott, Speaker. *Copy*.  $1\frac{1}{2}$  pp. [C.O. 23, 3. ff. 133, 134, 134 v., 137 v.]

1735.

Aug. 15.  
Whitehall.

**70.** Mr. Popple to Mr. Fane. *Encloses* for his opinion in point of law 5 Acts of Jamaica, (i) for *imposing a duty on all rum etc. retailed* ; (ii) for *raising several sums for subsisting the soldiers etc.* ; (iii) to *oblige inhabitants to provide themselves with a sufficient number of white people* ; (iv) for *putting the island under martial law for a period not exceeding three months etc.* ; (v) for *enabling Mary Howel, widow, executrix of Samuel Howell, to sell divers messuages*. *Continues* :—You will observe a clause in the Act for raising *several sums etc.*, which lays a penalty on the officers of H.M. Forces there for inlisting recruits amongst the people of the island, which tho' it be done only with a political view, as will appear more fully by the inclosed extract of the journal of the Council in Jamaica yet as it restrains the Prerogative of the Crown, I am to desire you will more particularly consider whether this clause be agreeable to the laws of this kingdom. [C.O. 138, 18. p. 47]

Aug. 15.  
Jamaica,  
Spanish Town.

**71.** President Ayscough to the Duke of Newcastle. I have received information from one Benjamin Lee, a trader to New Spain, that a Spanish merchant, came from the Havanna to Trinidad, which is about nine days journey by land, and came there to trade with him on board his vessell, and informed him that an English man of war about 60 guns struck upon the Collorado's, as they were making their leeward passage through the Gulph of Florida to England, and that they were obliged to throw a great many of their guns overboard to lighten the ship, and to get her off the sands and that they afterwards put in to the Havanna in distress ; by the same person the Captain was described to have had a wife and three daughters aboard, and a son a lieutenant ; he further reports that it was on or about the fifth day of July last that the ship put in there, and that in four days afterwards, there came an express from the Court of Spain by the way of Cadiz, to the Governour there, to seize all English ships and vessells that should put in there, for that His Britannick Majesty had assisted the King of Portugal with 25 sail of men of war to protect them against the King of Spain, and that the same merchant likewise inform'd him, that he would be detain'd when he was refitted ; by this description he must mean Captain O'Brien, Capt. of H.M. Ship the *Rupert* ; I thought it my duty to give your Grace this advice by the first opportunity. The truth of which circumstances, time will discover. *Signed*, J. Ayscough. *Endorsed*, R. 19th Nov. 2 pp. [C.O. 137, 55. ff. 203, 204, 204 v.].

Aug. 16.  
Custom House.  
London.

**72.** H.M. Commissioners of Customs to the Lords Commrs. for Trade and Plantations. We have the favour of your letter of the 13th instant in relation to packetts directed for your Lordships which may be brought to the Custom house warehouse from the Plantations, and take leave to acquaint you, that the warehouse keeper has had constant orders to give your Secretary notice when any packets or parcels are brought into the warehouse directed to your Lordships, and having repeated those orders, we



1735. [72]

hope you will have no further occasion to complain. *Signed*, Charles Peers, B. Fairfax, R. Corbet, Robt. Baylis. *Endorsed*, Recd. Read 20th Aug. 1735. 1 p. [C.O. 323, 10. ff. 28, 29 v].

Aug. 16.  
Jamaica,  
Spanish Town.

**73.** President Ayscough to the Duke of Newcastle. I did myself the honour, in a letter of the 22nd of June last, to acquaint your Grace, that the rebels abandon'd the settlements to Leeward on their hearing that our parties were marching towards them, where they surprized a serjeant and fifteen men, and there left their ammunition, launces, cutlasses, and all their provisions. Since that a party had the good fortune to come up with them and routed, and killed two, wounded three, took four guns, (formerly belonging to the soldiers in Colonel Hay's regiment) seventeen cutlasses and their provisions, and obliged them to run away into the woods, where they have taken their shelter, and have not since been heard of. Another party from the north side, of the Island, fitted out by Colonel Ely, the Coll' of that regiment, have since attack'd the same body of the rebels, killed a considerable number of them and took two alive, who shew'd them the place where they were buried, amounting to fourteen in number; since that a sensible woman was taken who gives an account, that she was with the rebels at that time, and that above thirty were killed, and among their slain was a captain, the particulars, I have enclosed to your Grace, another rebell was also found in the woods, who was discovered to be one of their Obia men or conjurers, and has since been tried and executed; during this last martial law we have kill'd wounded and taken in all about fifty, according to these and other acts. By this opportunity I have sent to the Lords Commissioners for Trade etc. the duplicates of the Laws passed this last session, that for building of barracks is already put in execution, and the surveyers sent all about the Island to lay out the ground, cut the roads, and open a communication from one barrack to another, this being the only expedient, that we can find out to distress and destroy the rebels. The three months for which martial law was continued are now expired. *Signed*, J. Ayscough. *Endorsed*, R. 15th Nov. 2 pp. [C.O. 205, 206, 206 v.].

Aug. 16.  
Jamaica,  
Spanish Town.

**74.** President Ayscough to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis*. *Signed*, J. Ayscough. *Endorsed*, Recd. 17th Nov., Read 11th Dec., 1735. 2 pp. [C.O. 137, 22. ff. 12-13 v.].

Aug. 18.  
Kensington.

**75.** Her Majesty's Warrant granting William Dandridge, Member of Council of Virginia, leave of absence for 12 months longer. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. pp. 523, 524].

Aug. 18.  
Kensington.

**76.** Warrant by the Queen, Guardian of the Kingdom etc., granting leave of absence on his private affairs for twelve months longer to William Dandridge, Councillor of Virginia. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 50. pp. 85, 86].

1735.

Aug. 19.  
Boston.

**77.** Governor Belcher to the Duke of Newcastle. Since I had last the honour of addressing your Grace, nothing very material has occur'd in this or my other Government, respecting H.M. service ; and this is only to acquaint your Grace, that by the desire of several tribes of Indians near the western borders of this Province, as well as at the request of this Assembly, I set forward to-morrow on a journey of about 140 miles to meet the said Indians, in order to bring them into a better subjection to the Crown of Great Britain, and into a stricter friendship with H.M. subjects of this Province and New Hampshire, which I hope may tend to the growth and enlargement of these parts of the King's Dominions *etc.* *Will send* a particular account on his return in about three weeks. *Signed, J. Belcher. Endorsed, R. 24th Novr. 2 pp. [C.O. 5, 899. ff. 175, 175 v., 176 v.].*

Aug. 20.  
Whitehall.

**78.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 15 acts of Jamaica, 1734-1735. [*C.O.* 138, 18. p. 48].

Aug. 20.  
New  
Providence.

**79.** Governor Fitzwilliam to the Council of Trade and Plantations. There has not anything happened here worthy of your Lordships' notice, since my letter of 11th March *etc.* This only serves to enclose a deposition by Samuel Lawford *etc.* (*Encl. i*), whereby your Lordships will observe our situation in this part of the world with respect to the Spaniards, who daily take our vessels, whereof I could give you many instances since I have been here, but as those plundered and taken by them belong to other colonys, I do not think it proper for me to enter into particulars concerning them, so that I shall take leave only to assure you that what is set forth in this protest may be depended on as fact ; your Lordships may be likewise assured that this vessel was not intended to touch upon any part of the Spanish coast, nor were there any goods whatsoever on board her, that could induce the master thereto. This poor man who has a wife and family to maintain, is almost distracted, having lost the last shilling he had in the world by this unlucky accident, therefore he resolved to fly home to H.M. and the Parliament for redress, but I have after long persuasions prevail'd upon him first to take my letter to the Governor of Maracaybo, and to go thither to endeavour to get his sloop again, which I think impossible for him, the Governor, with the least colour of justice, to condemn, since there was not even one piece of eight on board her. P.S.—I have by the same conveyance that this goes to the Continent for a passage home, wrote to the Duke of Newcastle concerning this affair. The value of the sloop and cargo was at least £1300 sterl., *etc.* *Will transmit* Council journals, lists of shipping and Treasurer's accounts by next opportunity *etc.* *Signed, Rd. Fitzwilliam. Endorsed, Recd. 12th April, Read 25th June, 1726. (Duplicate, original not recd.) 1½ pp. [C.O. 23, 3. ff. 138, 138 v., 139 v.].*

Aug. 21.  
Westminster.

**80.** Privy Seal directing payment of salaries to the Commissioners and under officers in the Commission for Trade and



1735. [80]

Plantations. *Copy. Endorsed, Recd. Nov. —, Read 28th Nov. 1735. 4 pp. [C.O. 388. 80. ff. 144—145 v., 146 v.]*

Aug. 23.  
Whitehall.

**81.** Mr. Popple to Mr. Attorney General. I send you by orders of my Lords Commissioners for Trade and Plantations, a scheme for erecting a sort of a bank at Boston in the Massachusetts Bay for circulating cash notes. Their Lordships desire you will consider thereof, and let them have your opinion in point of law, how far the same is legal. If you should be of opinion that it is not so ; I am then to desire your further opinion, what will be the proper method to put a stop thereto. My Lords Commissioners being desirous of talking with you upon this subject, when you have considered the same, their Lordps. will appoint any day that will be most convenient for you, upon your giving me notice thereof. To save time I have sent you the original scheme, and therefore I must desire you will please to return it again when you make your report thereon. [*C.O. 5, 917. p. 129*]

Aug. 26.  
Whitehall.

**82.** Council of Trade and Plantations to the Committee of Privy Council. We have considered the memorial of Jonathan Belcher junr. in behalf of his father Jonathan Belcher Esq., H.M. Governor of the Massachusetts Bay in New England, humbly praying, for the reasons therein contained, that Her Majesty would be graciously pleased to permit the said Governor to give his assent to a bill passed by the Assembly of that Province on the seventh day of June last ; for granting to H.M. the sum of three thousand pounds in bills of credit, to be paid to the said Governor for his support, from which he is at present restrained by the 27th Article of his Instructions ; and that Her Majesty would be likewise pleased to grant the said Governor a General licence for receiving his support for the future as it may be raised from time to time by the Assembly, provided the sum does not fall below the sums granted him by former Assemblies ever since the appointment of H.M. said Governor. Upon this occasion we have revised the 27th Article of H.M. Instructions to His Governor of New England, and having considered all that hath passed from time to time upon this subject, we take leave to acquaint your Lordships, that whilst the said 27th Article of the Governor's Instructions subsists we cannot be of opinion that Her Majesty should be advised any longer to permit Mr. Belcher to give his assent to the above mentioned bill passed by the Assembly of the Massachusetts Bay on the 7th day of June last ; and much less to grant him a general licence to receive his support as it may be raised from time to time by the Assembly, in the manner set forth in this memorial. But we are humbly of opinion that the said 27th article of the Governor's Instructions should be repealed, because we apprehend it cannot be supported by any construction of the words in the Charter granted to the Massachusetts Bay ; If your Lordships shall be of this opinion, we have then no objection why Her Majesty may not be graciously pleased to allow Mr. Belcher to pass this Annual Act, and to grant him the genl. licence he has petition'd for. But we think it would be much

1735. [82]

more for H.M. service as well as for the honour and dignity of his Govt. in that Province of H.M. should be pleased to settle a fixed salary of £1000 p. annum upon the Governor for the time being, payable out of some of H.M. Plantation Revenues, or in such manner as H.M. shall think fit, by which means the Governor will become entirely independant of the people, and no longer laid under any temptation of giving up the Prerogative of the Crown, or sacrificeing the interest of Great Britain to any private advantage. [C.O. 5, 917. pp. 130—132].

Aug. 26.  
Admiralty  
Office.

**83.** Mr. Burchett to Mr. Popple. Inclosed I send you a copy of a letter of marque, as also of the instructions given to such persons who receive letters of marque, which you will please to communicate to the Lords Commissioners of Trade. *Signed*, J. Burchett. *Endorsed*, Recd. 28th Aug., Read 3rd Sept., 1735.  $\frac{1}{2}$  p. *Enclosed*,

**83 i.** A letter of marque or Commission for a private man of war against Spain *etc.* Jan. 1719. *Endorsed*, Recd. 28th Aug. 1735. *Copy.*  $4\frac{3}{4}$  pp.

**83 ii.** Instructions for holders of letters of marque *etc.* Jan. 1719. *Copy.*  $10\frac{1}{4}$  pp. [C.O. 323, 10. ff. 31, 32—33, 35 v.—41 v.]

Aug. 27.  
Whitehall.

**84.** Council of Trade and Plantations to the Committee of the Privy Council. *In reply* to 14th instant referring to the Board an address from Jamaica for military stores, *refer* to their report of 12th June last, “which contains all that we could now offer to your Lordships upon the present address.” [C.O. 138, 18. p. 49].

Aug. 27.  
Whitehall.

**85.** Council of Trade and Plantations to the Queen, Guardian of the Kingdom and H.M. Lieut. within the same. We have received a letter from Mr. Belcher, H.M. Governor of the Province of the Massachusetts Bay, dated the 9th of January last, wherein he informs us, that the Assembly of that Province have, upon his repeated recommendations, voted a supply of a considerable sum of money for the repair of Castle William, and the addition of new works to that fortress : but as there is no engineer in this Province capable of making fortifications, he desires that Majr. Paul Mascarene, a Captain in Coll. Philipps’s regiment, now in Garrison at Annapolis Royal in Nova Scotia, who was employed by the officer of Ordnance as Engineer in Nova Scotia, for eight years together whilst the fortifications were repairing in that Province, may now be sent to repaire H.M. fortifications in the Province of the Massachusetts Bay ; whereupon, considering the necessity and importance of this service, we humbly take leave to propose that Major Mascarene may have leave to be absent from his regiment for eighteen months, without prejudice to his rank or pay in the said regiment, and that he may receive proper directions from the Office of Ordnance to attend the service of H.M. fortifications in the Province of the Massachusetts Bay during that time. [C.O. 5, 917. pp. 133, 134].



1735.  
Aug. 28.  
Whitehall.

**86.** Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* We have received a letter from Col. Cosby, H.M. Governor of the Province of New York, dated the 6th of Dec. last, in which he complains of the factious disaffected and illegal behaviour of Mr. James Alexander, a Member of H.M. Councils in New York and New Jersey, Lewis Morris late Chief Justice in the Province of New York, and a member of H.M. Council in New Jersey, and Rip Van Dam Esq. late Commander in Chief and President of the Council at New York, which complaints are supported by several papers printed at New York and by a report of H.M. Council there, transmitted to us upon this occasion by Col. Cosby. Colo. Cosby acquaints us in his letter, that the said Alexander and his party have set up a printing Press at New York, where the most virulent libels and most abusive pamphlets, published against the Ministry and other persons of honour in England, have been reprinted, with such alterations as serve to inflame the people against the several branches of the Legislature, and the administration in that Province. That factious cabals are secretly held several times a week in New York at which Alexander is always present, as Morris was before his coming privately to England. That a black and malicious attempt hath been made by the said Alexander against Mr. Harrison, a member of H.M. Council at New York, and a person of known loyalty, by charging him with a capital crime, of which he hath been fully acquitted by a Committee of H.M. Council and by the Grand Jury in that Province, who refused to find the bill against him, upon the affidavits of the said Alexander, and one Smith, who acted in concert with him upon that occasion. That the said Morris, whilst President of the Council in the Province of New Jersey, acted in the most arbitrary manner, having turn'd out several loyal old servants and officers without consent of the said Council, in contempt of H.M. Instructions, to make way for his near relations; that he had sat and acted as Chancellour, and made a decree without giving regular notice, or hearing the parties concern'd, and that nevertheless he hath loudly declaimed, both in New York and New Jersey, against H.M. Governours who have sat as Chancellors, affirming publickly that no decrees of the Chancery or any other Court of Equity were binding on the subject, and that H.M. had no right to establish any such Court in those Provinces. Col. Cosby further acquaints us that Rip Van Dam, Morris, Alexander and others of their party, appear by their behaviour to be disaffected to H.M. Government, and are dayly exciting the people to sedition and riot; for which reasons we take leave humbly to propose to your Majesty, that the said Van Dam may be deprived of his seat in H.M. Council of New York, the said Morris of his seat in the Council of New Jersey, and the said Alexander of his seats in both those Councils, and that John Moor and Paul Richards Esqrs. may be appointed of H.M. Council in New York, in the room of Rip Van Dam and James Alexander; and that Robert Lettice Hooper, Chief Justice of the Province of New Jersey, and Joseph Warrell Esqrs. may be appointed of the Council in New Jersey, in the room of the

1735. [86]

aforesaid Lewis Morris and James Alexander, the said John Moor, Paul Richards, Robert Lettice Hooper and Joseph Warrell Esqrs. having been recommended to as persons every way qualified to serve H.M. in those stations. [C.O. 5, 1126. pp. 12-15].

Sept. 1.  
Blackheath.

**87.** Duke of Montagu to [? Mr. Delafaye]. This is to beg the favour of you to lay the inclosed before the Duke of Newcastle, it is in relation to one Mr. Dandrige a gentleman of a good estate in Virginia and one of the Council there: he was formerly a Lieutenant of a man-of-warr, and being desirous to be again employ'd in H.M. service he came last year to England for that purpose and he is at present a Lieutenant on board the fleet at Spithead; as I am in hopes of getting some better preferment for him, I beg you will make my compliments to the Duke of Newcastle and tell him I shall be extremely obliged to him for one year's longer leave for him to be absent from Virginia. His present leave expires the 11 of Agust. *Holograph. Signed, Montagu.* 1 p. [C.O. 5, 1337. f. 183.]

Sept. 3.  
Whitehall.

**88.** Mr. Wood to Mr. Popple. The traders of London, Bristol and Liverpool to Carolina, in negroes, being informed by letters of the 9th of June, from that Province, that a law was just passed there *for applying the whole negro duty of ten pounds per head, mony of that Province, without limitation, for bringing in Protestant settlers etc.*, desire that you will move the Lords for a copy of the said Act and copy of the Journal of the Assembly relating to the continuing this heavy duty, so great a discouragement to the trade of this kingdom, and the better settlement of the Province itself etc. I am likewise directed to desire you will move the Lords etc. to take the said Act, or the consequences, which the continuing of this duty is also to H.M. trading subjects, in negroes, to Carolina, into their immediate consideration, and report their opinion thereupon to H.M., since the traders conceive that, by their taking any other step of application on this Act, or relating to the continuance of the duty on negroes, it will take up so much time (as they have experienced on other occasions) that the mischief will, probably, be remediless to almost every particular trader, which has been sensibly felt by all traders in their turn where dutys have been imposed on negroes in other H.M. Colonys, notwithstanding the disapprobation of the Acts imposing them. And therefore they have judged proper to direct me to make this application by you, to the Lords, which, they are informed, was originally the way of proceeding, when any Acts were passed, in any of the British Colonys in America, prejudicial to the trade, manufactures, or navigation of this Kingdom. *Signed, Wm. Wood. Endorsed, Reed. 9th Jan., 1733, Read 17th Sept., 1735. Addressed. Postmark.* 1 p. [C.O. 5, 364. ff. 236, 240 v.]

Sept. 4.

**89.** Mr. Popple to Mr. Willes, Attorney General. The Lords Commissioners desire him to appoint some time to meet them at their office. *Encloses* extract from Governor Johnston's letter with his Case of the Blank Patents, for his opinion thereon in point of law. [C.O. 5, 323. f. 108 v.]



1735.  
Sept. 4.  
Whitehall.

90. Council of Trade and Plantations to President Ayscough. We have received your letters of the 15th of May and 22nd of June last with the 5 Acts, the Address to H.M. and the Representation to our Board, which you mention to be inclos'd. We are sorry to see that you are oblig'd yet to continue martial law in force in Jamaica, but we hope you will put an end thereto as soon as the exigency of affairs will permit you. We have consider'd the reasons of the Council of Jamaica for advising you to give your assent to the law entitled *An Act for raising several sums of money and applying the same to several uses for subsisting the officers and soldiers of the eight Independant Comps. and preventing the exportation of several commodities into the French and Spanish Islands*, with a clause laying a penalty on any of the officers of the King's troops there, who shall inlist any of the inhabitants of Jamaica therein altho' their reasons may be politically good, with regard to Jamaica, yet that clause is a very great restraint upon H.M. Prerogative and therefore we have sent that law together with the others before mention'd to Mr. Fane, one of H.M. Council at Law, for his opinion thereupon, and when we shall have received the same we shall consider farther thereof. We have laid before Her Majesty the address from yourself, the Council and Assembly of Jamaica, which you inclos'd to us, desiring stores of war for the service of that Island : and as the supply thereof is now under the consideration of the Lords of the Council, we hope you shall soon receive what shall be found wanting upon that head. We have likewise laid before H.M., the representation sign'd by the Council to us, and we shall always endeavour to do the most effectual service to the people of Jamaica. In this representation the Council have remark'd a mistake, which they say we made in ours to the House of Lords, in relation to the number of forts in Jamaica ; and they may be right in that respect, but you must observe that our information proceeds from such intelligence as we receive from the Governor in his annual answer to Queries, and what we have said in regard to forts tallies with his information to us in that particular. Upon the subject of the Councils' complaint against the forming of the logwood trade at Campeachy, we have been attended by the Secry. of the S.S. Company, and we are informed by him, that the contract which was made between that Company and some private persons will be at an end in two or three months, the King of Spaine disputing the Company's power of licencing any person to trade under their name ; and as we have desir'd to be particularly inform'd, when any alteration is made in this trade ; when that comes to our knowledge we will give you notice thereof. In your next letter we desire you will give us a particular account of the computed strength and number of the rebellious negroes. You will likewise inform us what is their particular manner of fighting ; what number of towns there may be of them ; what number of inhabitants in each town and in general whatever information you can give us upon this subject, as we are convinc'd, from the nature of these inquiries, that you cannot give us a certain account, so what we desire is only such particulars as you may in

1735.

[90]

general have obtain'd. We likewise desire that you will not omit to send us your annual answers to the Queries we formerly sent you, etc. [*C.O.* 138, 18. *pp.* 50-53.]

Sept. 4.  
Whitehall.

**91.** Council of Trade and Plantations to Lt. Governor Gooch. *Acknowledge* letters etc. of 18th July, 9th Aug., 1732, 8th Feb., 15th July, 12th Sept., 1733, and 14th March, 24th and 30th May, 13th July, 27th Aug., 14th Sept., 20th Nov., 1734 etc. *Have sent* the Acts therein enclosed to Mr. Fane for his opinion etc. *Continue* : We observe what you have wrote concerning the two petitions you inclosed for grants of land, to the westward of the Great Mountains ; and altho' you may be right in your opinion that those lands are within the bounds of Virginia, yet as the[y] are controverted by the Lords Baltemore and Fairfax and the Proprietor of Pennsylvania, we think those bounds ought to be settled prior to the granting of any land within them. And this we conceive can best be done by Commissrs. to be appointed on the spot for that purpose. This method we have long since proposed, and the Lord Fairfax being gone to Virginia for this purpose, we are in hopes the dispute may soon be adjusted. In your letter of the 24th May, 1734, wherein you give an account of the Laws, manufacture and trade of Virginia, you mention an air furnace, without describing what particular manufactures the same is applicable to ; we therefore desire that in your next letter you will inform us thereof ; as likewise of the lead mine you mention to be discovered ; you will likewise inform us what quantities of ore are found therein, and to what uses it is applied. We also desire you would inform us what other mines, if any, have been found in Virginia. In your letter of the 14th of Sept. last, you say it wou'd be great advantage to Virginia, if that Colony was allowed to import salt directly from Portugal, as the Northern Colonies are : upon this occasion you will observe that this liberty was only given to the Northern Colonies on account of their fisheries ; and the provisions with which they supply those to the Southward : however we will consider further, of what you have proposed to us upon this head. We are very glad to find by the Treasurer's accounts that the revenues of Virginia are in so flourishing a condition, and we desire you will continue to give us constant accounts thereof, and of the other transactions in your Government and that you will not neglect to transmit to us, annual returns to the Queries we have formerly sent you. [*C.O.* 5, 1366. *pp.* 131-133.]

Sept. 4.  
Office  
of Ordnance,  
Tower.

**92.** George Armstrong to Mr. Popple. Col. Armstrong is prevented by a previous appointment from waiting on the Board as requested. *Signed*, George Armstrong. *Endorsed*, Recd. 4th, Read 5th Sept., 1735. 1 p. [*C.O.* 23, 3. *ff.* 135, 136 v.]

Sept. 4.  
Middle Temple,  
London.

**93.** Charles Worsley to Mr. Popple. Forwards following, received from Mr. Wavell Smith from St. Christophers. *Signed*, Cha. Worsley. *Endorsed*, Recd. 10th Nov., 1735, Read 25th Nov., 1736. *Addressed*, *Sealed*.  $\frac{1}{2}$  p. *Enclosed*,



1735.

93. i. Minutes of Council of St. Christophers [?], June 1734. After Debate, *set out*, whether Mr. Smith ought to be paid by the public for transcribing the Minutes to be sent to the Lords of Trade, it was carried that he ought to do it *ex officio*, Messrs. George Thomas and George Lucas dissenting for reasons entered in the Council Book, 5th June. *True copy, Signed*, Patrick Wilson, D. Secretary. 5 pp. [C.O. 152, 22. ff. 221-224, 226, 226 v.]

Sept. 4.  
Whitehall.

94. Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* We have received a letter from Governor Belcher *etc.*, dated the 28th day of June last, in which he acquaints us that the Assembly of the Province of New Hampshire have passed an Act to give a bounty for encouragement of the raising of hemp there; and as labour is dear in that Province and the farmers poor, Mr. Belcher humbly proposes that H.M. would have the goodness to make them a present of five hundred bushells of the best Riga hemp seed, and that two or three persons, skillfull in the management of hemp, should be sent over to New Hampshire for two or three years at H.M. expence, to instruct the people in this manufacture. He informs us likewise in another letter, dated the 14th day of July last, that the Assembly of the Massachusetts Bay, who had before settled a bounty upon this commodity, have for a further encouragement given a liberty to the inhabitants to pay their taxes for the two succeeding years in hemp, whereupon as it is probable that the example of the people of the Massachusetts Bay may lead those of New Hampshire to apply themselves with industry to the raising of hemp, which if done with success would render Great Britain less dependent on the Northern Crowns for a supply of this commodity so essential to the support of our navigation; we are humbly of opinion, that it may be for H.M. service, if he shall be graciously pleased to gratify the people of New Hampshire in their request. [C.O. 5, 917. pp. 135, 136.]

Sept. 5.  
Whitehall.

95. Council of Trade and Plantations to Governor Cosby. *Acknowledge letters etc.* of 6th and 7th Dec. and 10th and 19th June last. As soon as they have received Mr. Fane's opinion in point of law, will consider the Acts therein enclosed. *Continue* :— We have considered what you write concerning the Court of Chancery, as also the resolves of the Assembly of the 25 Nov., 1727, with the report of a Committee of Council thereupon dated the 5th of Decbr. following, and we are not a little surprizd at your informing of us; that some of the members who compose that Committee, should now make any opposition to the holding of that Court, however different they may be in opinion, from what they formerly were of. We think you did very well not to admit the arguing of any exceptions against the jurisdiction of that Court; a Court establish'd, in the very infancy of that Colony, by the Crown's undoubted right signified to the then Govr. under the Broad Seal of this Kingdom successively confirm'd

1735. [95]  
under the Broad Seal in every Governor's Commission, that has been appointed since, and which must therefore consequently be deemed an essential part of the constitution of that Province ; you will therefore do well to pursue the directions of your Commission and Instructions by holding that Court whensoever there shall be occasion, and if the Assembly of that Province shall for the future yet presume to dispute the King's authority in this respect you may very properly signify to them, that they and the Court of Chancery meet and act by virtue of the same power, vizt. H.M. royal licence, granted under the Broad Seal of this Kingdom *etc.* *Inform him* of their recommendations of new Councillors for New York and New Jersey (*v.* 28th Aug.), and request him to send annual answers to their queries concerning the state of these Provinces *etc.* [*C.O.* 5, 1126. *pp.* 16-18.]
- Sept. 9. 96. Mr. Popple to the Commissioners of H.M. Navy. Encloses  
Whitehall. extract of a letter from Col. Dunbar, Aug. 25, 1732, relating to the preservation of the woods in New England and the difficulties the King's Officers there labour under in the discharge of their duty. [*C.O.* 5, 917. *p.* 137.]
- Sept. 10. 97. Council of Trade and Plantations to the Queen, Guardian  
Whitehall. of the Kingdom *etc.* John Baptiste Ashe, lately a member of H.M. Council in N. Carolina, being dead ; and James Stallard and Richard Evans Esqre. who were appointed in 1730, not having yet taken up their residence *etc.* *propose* in their room William Forbes, James Innes and Thomas Wardroper *etc.* [*C.O.* 5, 323. *f.* 109.]
- Sept. 10. 98. Governor Mathew to Mr. Popple. *Encloses* two Acts of  
Nevis. Montserrat (i) *for repealing an Act for the more speedy and effectual dispatch of the public business*, and (ii) *for reducing of interest from ten to eight per cent.*, to be laid before the Board for H.M. confirmation. *Signed*, William Mathew. *Endorsed*, Reed. 7th, Read 12th Dec., 1735. 1 *p.* [*C.O.* 152, 22. *ff.* 33, 34 *v.*]
- Sept. 10. 99. Mr. Popple to Mr. Attorney General. Having in my  
Whitehall. letr. of the 28th of Augt. last inclosed to you by order of my Lords Commissioners for Trade and Plantations, a scheme for emitting a large sum of mony in paper bills, in the Massachusetts Bay, my Lords Commissioners command me, to desire that when you have considered the same, and are ready to give your opinion thereupon, you will please to give me notice thereof, that I may acquaint their Lordships therewith, in order that a day may be appointed, my Lords being desirous of an opportunity of talking with you thereupon. [*C.O.* 5, 917. *p.* 145.]
- Sept. 10. 100. Council of Trade and Plantations to Governor Belcher.  
Whitehall. We have received your letters of the 13th Nembr. 1733, 8th of May, 11th of June, 1st, 2nd and 12th of July, 9th of Aug., 6th and 12th of Novembr., 3rd, 9th, 14th and 31st of Decembr. 1734, 9th of January 1734½, 5th, 9th and 28th of June, and 14th of



1735. [100]

July last, with the publick papers you therein mention to be inclosed, and we did lay before Her Majesty the Address from the Council and Representatives of the Province of the Massachusetts Bay, desiring cannon and other stores, upon which we imagine Her Majesty will soon come to some determination ; the people of the Massachusetts Bay are dayly asking favours from the Crown whilst they show no inclination to make any return, by giving their Governor's salary in the manner, so often propos'd to them. Now we are upon the subject of your salary, we must inform you, that Her Majesty has been pleased to refer to our consideration, the Petition of your Agents, desireing leave for you to give your assent to the last bill passed by the Council and House of Representatives, for granting your salary, as likewise that you might have a general licence to receive what the Assembly should annually give you ; and we have consider'd the same together with what you have wrote concerning the great zeal of the Assembly for the King's service and have made our Report thereupon. Notwithstanding the King has had sufficient reason to resent the behaviour of the Assembly of the Massachusetts Bay, who have constantly refused doing what the Crown has desired of them, yet they have not desisted asking favours, which have as constantly been granted to them, and as a recent instance thereof, the thousand bushels of Riga hemp seed, which was askd. for by you for them have been granted, and we have also recommended to Her Majesty a gift of 500 bushels more to the Province of New Hampshire, as likewise the sending over two or three persons well skill'd, in the manufacture of that commodity, as proposed by you. This last Article you may say is no favour done to the Massachusetts Bay, but it is an instance of all the disposition imaginable here of doing whatever may be thought of real advantage to the Colonies in America. Upon the subject of hemp, you have propos'd a larger bounty to be given upon the importation of it into this Kingdom which may well deserve some further consideration, tho' the generality of the Merchants who we have hitherto discours'd upon this subject, when that matter was under consideration at this Board, seem'd to apprehend the present bounty sufficient. We have had under our consideration the scheme you sent us for issuing out bills, upon the credit of some private persons, who were to give security for the repayment thereof in silver. This being a matter of very great consequence, wherein the trade and interest of the Province is much concern'd, we have thought it proper to take the opinion of H.M. Attorney General thereupon in point of law, the scheme now lies before him, and when he shall have given us his opinion upon it, we will take the same more particularly into our consideration. There is one observation, that must naturally occur to everyone who reads the aforementioned scheme, and which seems at first view, to be a very strong objection to any scheme whatsoever for emitting paper mony, which is, that by this scheme, the paper bills are to be repaid at the completion of their term, in silver, as the want thereof, is the only plausible reason that ever has been given for emitting bills in any shape ; and as it has

1735. [100]

always been represented, that silver was not to be procured, sufficient to serve as a medium in trade, we find now, that silver may be procured, even so large a sum as £110,000, or else the scheme set's out with a falsity in fact. But if silver can be procur'd, there then seems no longer, any the least reason for emitting paper at all. We therefore desire you will immediately upon the receipt of this, send us your thoughts at large, upon what we have now wrote to you upon this subject. We have considered what you have wrote about the quantity of Rhode Island paper mony, now current in the Massachusetts Bay, and of the ill consequences you say attend it : but we have at the same time consider'd, that let the Rhode Isld. mony be never so bad, as it can never be deemed a legal tender in the Massachusetts Bay, any ill consequence attending the currency thereof in that Province, may be remedied by the Assembly, or they must be answerable to the people for it. We are sorry to find from all lands that more effectual measures have not been taken to put a stop to the destruction of the King's woods, and that any proposals for that purpose should meet with opposition in the House of Representatives. But if they will give no countenance nor protection to those who have the inspection thereof, nor will lend a helping hand for the protection of them, they are of too great consequence to the Royal Navy to be totally neglected, and other measures, it may be, not quite so agreeable to the people of the Massachusetts Bay, must be put in execution. And as this would have been another proper subject upon which they should have shewn their zeal for the King's service, we cannot help observing that all their shew of zeal amounts only to words ; and we can't but wonder that you should continue to set it out in such colours, since no good effect has attended it. You tell us, that in case of any disturbance from the French or Indians, you shall be ready to send a detachment for the protection of the mast cutters, but that as their pay and subsistence must depend on the Assembly: their consent must be had for that service. We therefore desire you will inform us whether you have propos'd this to them, and what disposition you find in them, in case of any occasion. We have read what you write about the Naval Officers having been appointed without your approbation ; Mr. Pemberton the present Naval Officer was not recommend'd by us nor does that affair properly ly before this Board. If you think yourself aggriev'd you may apply to the proper place. We have recommended to Her Majesty what you have proposed relating to Majr. Mascarene's being sent to superintend the repair of your fortifications. We have likewise considered the reasons you gave in your letter of the 5 of June last, why you have not sent regular accts. of the rectx. and payments of publick mony ; but you misunderstand your instructions if you imagine those articles which require accts. of the Revenue relate only to such Colonies, where the King has a standing Revenue. You are one of the King's Governors, and as such, according to the powers given to us by our Commission, we do require them at your hands, and by virtue of special directions in your Instructions you are to send them to



1735. [100]

us. In your same letter you inform us that no money has been raised in New Hampshire, we therefore desire you will let us know what you judge may be the real reason why the Assembly of that Province have refused granting the necessary annual supply, having had reasons assign'd to us, why the Province did not receive the same, quite different from what you have asserted of Col. Dunbar's encouraging any opposition to you, or any measures you may have thought proper to engage in, for the service of that Government. But now we mention that gentleman, we must inform you that having some time observed the height to which the difference between you and him is risen, upon the subject of the right of government, and to the profits thereto belonging, when you are not in the Province, we think H.M. service, and the interest of the Province is very much injur'd thereby, therefore having thoroughly considered the affaire, as likewise the several clauses thereto in your Commissn. and Instructions, we shall in a few days lay a state thereof with our opinion thereon, before Her Majesty for her Royal orders thereupon. [C.O. 5, 917. pp. 138-144.]

Sept. 11. **101.** List of Representations by the Council of Trade and Plantations since March 25, 1715, relating to the state of the British Colonies in America, their trade and commerce, and their danger from the growing power of the French. [C.O. 5, 4. ff. 325-359.]

Sept. 11. **102.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* lists of French able to bear arms in the French Charibbee Islands *etc.* (v. 18th June). *Continue:* Altho' His Majesty has an undoubted title to St. Vincent's, Sta. Lucia and Dominico, yet upon the French having pretended a right thereto, H.M. did in 1730 agree with the Court of France, and Instructions were accordingly sent to Governor Worsley *etc.* that the said Islands should be entirely evacuated, until the right to the said Islands should be finally determined; notwithstanding which solemn agreement, and of the said instructions having been complied with, on our part, it now appears that the French have 117 men able to bear arms on the said Island of St. Vincent's, 100 families on Dominico and six families on Sta. Lucia. Should these people be left on the said islands without notice taken of them, on the part of H.M., they may in time pretend a new claim from their quiet and uninterrupted possession; and as there is little doubt but that their numbers will encrease, they may grow too powerfull easily to be removed; we therefore desire your Grace will please to receive H.M. orders upon this subject; and the rather since any acquisition of strength to the French, in the West Indies, will greatly add to the danger our Sugar Colonies must be exposed to, in case of any rupture with France. We might yet add another reason, which is, that the French settlements on the islands will in time be a great increase of their sugar trade, and a diminution of our own, which already lies under

1735. [102]

several difficulties that of the French is not exposed to. *Autograph signatures.* 2 pp. *Enclosed,*

102. i. Extract of letter *etc.* from Governor Mathew to Mr. Popple, 18th June, *q.v.* [C.O. 152, 40. Nos. 42, 42 i. and, covering letter only, C.O. 153, 16. pp. 25-27.]

Sept. 12.  
Whitehall.

**103.** Mr. Popple to Governor Mathew. I have received your letter of the 18th of June last with the several papers you inclos'd to me, which I have laid before my Lords Commissrs. for Trade and Plantations with your said letter, and their Lordships have particularly directed me to return you their thanks for the account you have sent, of the numbers of men able to bear arms on the French Islands and on St. Vincent's, St. Lucia and Dominico. Their Lordships have sent an extract of what you write upon this subject to the Duke of Newcastle, *etc.*, in order to be laid before Her Majesty together with their remarks upon the proceedings of the French in not having totally evacuated the last three mention'd Islands according to their agreement. With regard to the bill pass'd at Nevis to continue the duty on liquors imported ; I am commanded to acquaint you, that their Lordships very much approve your caution, in being tender how you give your assent to any law that may in the least contradict your Instructions ; in all cases where you are diffident you may give your consent to any law provided the suspending clause be therein inserted ; But if in the passing a new law for this purpose you take care that there be an exception made of any strong liquors imported from this Kingdom, my Lords do not at present forsee any objection thereto. Upon this occasion I must remind you of your letter to me of the 14th of April last, which acknowledges the receipt of mine of the 13th of Feby. preceding, wherein among other things, I desired by their Lordships' order an authentick collection of the laws pass'd at Nevis since September 1715. This collection I have not received, and therefore it is impossible for my Lords to judge of the present bill, as it re-enacts a law not hitherto sent to the Office. My Lords having received from the Admiralty the copy of a Commission of Marque, and of the Instructions given therewith, I send you a copy thereof, for your information according to your desire signified to my Lords in your letter dated the 19th March, 173 $\frac{3}{4}$ . [C.O. 153, 16. pp. 28-30.]

Sept. 12.  
Whitehall.

**104.** Council of Trade and Plantations to Governor Johnston. *Abstract.* Acknowledge letters and are glad the trade of the Province has so fair a prospect. But when he mentioned 42 sail going loaded from Cape Fear River, he should have given a more particular account of their ladings *etc.* Agree with his opinion as to the manner of making tar, and think he should move the Assembly to enact rules accordingly, and an inspector of the kilns. For though the people at present endeavour at quantities upon account of the bounty, yet if the quality of their tar be brought into disrepute by its burning quality, none of it will be exported *etc.* *Continue* :—It is with pleasure that we read the account you have given us of the industry of the people settled on



1735.

[104]

Cape Fear River, and of the attempts they are making towards the manufactures of wine, oyle and silk, for which you have desired us to prevail with the Legislature to grant a bounty. We are always ready to do whatever in us lies for the encouragement of industry in any of the Colonies, but before we know what progress the people are able to make in these manufactures, and have seen specimens thereof, it would have but little effect, was we to propose what you desired. *Are awaiting opinion of the Attorney General on the Blank Patents before sending his directions upon that subject.* Hope that he will have better success the next session in getting the Assembly to pass an Act for a rent roll and regulating quit rents. Without the payment of H.M. quit rents and a general registry of all the grants and patents, "the people are to understand their arrears of quit-rents to the time His Majesty made the purchase are not to be remitted. You have therefore done very right to erect a Court of Exchequer in which any disputes about quit rents or titles to land will properly be adjusted; and we desire to have an account of the proceedings of that Court." He ought to have sent a full description of the boundary line between N. and S. Carolina and an authentic copy under the seal, as determined by the Commissioners *etc.* Will recommend Messrs. Forbes, Innes and Hardroper to supply the vacancies in the Council he mentions (*v. Sept. 10*) and hopes he will be more cautious in recommending persons for Councillors than his predecessor. *Enclose copy of Circular Queries, to which an annual answer is required.* *Set out, N.C. Col. Rec. IV, 16. [C.O. 5, 323. ff. 109 v.-111 v.]*

Sept. 14. **105.** Governor Mathew to Mr. Popple. *Abstract. Has*  
 St. Christophers. *received both the Orders of the Board of 17th June. Is getting*  
*as fast as possible the accounts from the islands. Has at last*  
*brought the inhabitants to provide for their safety by an inland*  
*fortification, which he has begun to lay out for them. Those*  
*works are actually now in hand, and being carried on with all the*  
*strength that the island can well provide. Continues: I have also*  
*succeeded in an attempt to introduce something of a Legislature*  
*in Anguilla, Spanish Town and Tortola, and in the last two of*  
*those islands their new Councils and Assemblies are now preparing*  
*laws (on models I have furnishd them with) as agreeable to those*  
*of these four islands as the air of those four islands will admitt of,*  
*and from hence I hope murthers and the greatest crimes will*  
*hereafter not be committed there with impunity for want of*  
*proper laws and Courts of Justice for trying offenders, as hereto-*  
*fore, and the inhabitants will become more usefull, as better*  
*taught their duty to H.M., their country and one another.*  
*Encloses an Act of St. Christophers to enable the publick to cut turf*  
*and sodd out of lands adjoining to Fort Londonderry, for repairing*  
*and finishing the said fort etc.* Prays him to inform the Board  
 that "the whole island is a gravel except about this fort, that no  
 sod was to be had elsewhere to finish it, that this fort covers from  
 an enemy this gentleman's estate more than any other, that we  
 Commissioners for sale of the French lands sold him the whole

1735. [105]

estate for about £6 10s. sterling pr. acre of which this is a fagg end, that we shall take the sodd off of not about two acres, and those two acres would hardly keep a cow alive, yet this gentleman was so unreasonable as to insist with me for £1000 sterling for these two acres, a poor return for the indulgence he meets with (as a Roman Catholick) among us. *Signed*, William Mathew. *Endorsed*, Recd. 3rd, Read 12th Dec., 1735. 2½ pp. [*Duplicate*. The MS. is dated 1734, with an Office note that it should be 1735.] [*C.O.* 152, 22. ff. 36-37 v., 42, 42 v. (with abstract).]

Sept. 15.

**106.** List of persons proposed by Lt. Gov. Gooch to supply vacancies in the Council:—Henry Armistead, John Allen, Francis Willis, Henry Fitzhugh, Benjamin Harrison, John Lewis, Armistead Churchhill (so he spells his name), Nicholas Meriwether, Lewis Burwell junr., Charles Carter, George Braxton, John Robinson. *Signed*, William Gooch. *Endorsed*, Recd. (from Mr. Leheup), Read 3rd Feb., 1735. 1 p. [*C.O.* 5, 1323. ff. 182, 187 v.]

Sept. 16.  
Whitehall.

**107.** Council of Trade and Plantations to Committee of Privy Council. *Representation* on report of Governor Fitzwilliam etc., 6th March, as to fortifications and stores required, and address of Council and Assembly of the Bahama Is. (14th Aug.). *Represent that*, with respect to the repairs and additional works necessary to be made to the Fort of Nassau etc., the expence of them according to Mr. FitzWilliam's estimate including 350 pounds for the purchase of a house and lands belonging to Captain Phenney, upon which it is proposed to erect a new redoute, would amount to upwards of 12,200 pounds; but as we are not competent judges of fortifications, or the charge of raising them, we can only say in general that considering the importance of the Bahamas with regard to their situation, which makes them a proper station for light frigates, either for the protection of our own trade or the annoyance of an enemy, we are humbly of opinion that these Islands ought to be properly fortified; and if this was well done, the security resulting from thence would naturally be the means of drawing great numbers of inhabitants thither; but the manner of performing this service, and the reasonableness of the sum demanded for the execution of it are points wch., for want of necessary information, we must submit to your Lordships' wisdom. As to the ordnance, cannon shot and other stores of war desired by Mr. FitzWilliam, we presume his calculation of these particulars was formed in proportion to the additional works projected for Fort Nassau. [*C.O.* 24, 1. pp. 305-308.]

[Sept. 16]

**108.** Memorial of John Yeamans, Agent for Antigua, to the Council of Trade and Plantations. *States* right of Great Britain to St. Lucia, St. Vincent's and Dominica, which have by constant usage been inserted in the commissions of the Governors of Barbados. Notwithstanding, several families subjects of the Crown of France are not only settled at St. Vincent's and Dominica, but are also under a civil government there. Tho' the French



1735.

[108]

have lately pretended to evacuate St. Lucia, there are still some few families remaining there, which, they alledge, it would be a breach of humanity to remove. But there is just reason to suspect, that under ye guise of humanity, the French only cover other designs very destructive in their consequences to the British America islands. They have by degrees encompass'd all H.M. Sugar Colonies in America; and being prodigiously encreas'd in strength and riches since the Peace of Utrecht, will have it in their power in time of warr, not only to ruin the trade and commerce of the British subjects in those parts, but also to render all their possessions exceedingly precarious *etc.* *Submits* to their Lordships' consideration, whether immediate measures should not be taken to checque these growing settlements of the French upon islands claim'd of right by the Crown of Great Britain, and in particular whether the succeeding Governor of Barbadoes, in conjunction with the Governor of the Leeward Islands, should not be directed absolutely to insist upon the totall evacuation of St. Lucia, St. Vincent's and Dominica. *Endorsed*, Recd. Read Sept. 16, 1735.  $2\frac{1}{3}$  pp. [C.O. 28, 24. ff. 127-128 v. and 152, 40. No. 43 i.]

Sept. 16.  
Whitehall.

**109.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following received since representation of 11th inst. *Autograph signatures*. 1 p. *Enclosed*,

109. i. Copy of representation of Mr. Yeamans (v. preceding). 2 pp. [C.O. 152, 40. Nos. 43, 43 i, and 324, 12. p. 42.]

[Sept. 17]

**110.** Petition of [? Mr. Ochs] to the Council of Trade and Plantations. Petitioner hath these 2 years been much troubled with a good number of German and Swiss Protestants, who desir'd him to assist them with advice, and help them to a passage for America, and considering them as strangers, hath assisted them, with the utmost care, and fidelity, loss of much time, and expence, to the best of his knowledge, and their intire satisfaction; But having considered that the chief service will be, to take also care that they may be well settled together, upon good land, in a healthy situation, and temperate climate, that they may be assisted with good instruction to improve the land, to the best advantage of this Kingdom, in producing such commoditys as are chiefly desired and wanting *etc.*, petitioner humbly proposes to their Ldships. to grant them a tract of land about 20 miles long and broad, lying in Virginy and North Carolina on the mountains, 'tis there desir'd for the healthiness of the air, and when that tract be settled to have another to chuse in that neighbourhood, and so increasing farther, for which end 'tis humbly desir'd that no land be taken up by other persons for some limited distance, that the extending of this Colony may not be interrupted: and if on any part the Indians may lay claim they shall be satisfy'd by agreemt. or avoyded: but as a settlent. at so remote a distance from the sea is very inconvenient and chargeable for land and watter carriage *etc.* *requests* that they may be encouraged by (i) Such foreign Protestant settlers may be natural subjects of this

1735. [110]

Kingdom without any charge or other formality. (ii) Be exempt for 15 years from quit rents and then to pay 2*s.* sterl. pr. 100 acres yearly. (iii) To have land according to the established orders of the Province, 50 acres pr. head. All the land to be measured and registered free, and petitioner to have the benefit of measuring it out in parcels for the usual price in the country. (iv) A grant of money by the Government for necessary buildings, sawmills and tools *etc.* (v) Petitioner desires nothing of the people, to make their beginning the easier, but to execute this work duely, it will require great pains, trouble and considerable expences to establish proper orders in several citys of Germany and Swisserland, and to give the people printed instructions, how much money is required for their passage, and settlement, on which day they shall be att the appointed place to go down to Holland, where a ship shall be ready, to carry all those that can pay for their passage directly to America, and to warn all others, not to throw themselves in misery, no shippes being dispos'd to carry them over without paying for their passage. (vi) To perform all this *etc.*, petitioner finds is too great a charge to do it att his own expence, therefore asks for the grant of an annual allowance for some years, and after it shall cease, that he may make some agreement with the people for his services to them, "'tis hoped their Idships. will also grant him a certain quantity of land free from quit rent for ever." (vii) The people to carry with them all necessaries of linen, tools, arms, provisions *etc.*, to be landed free from duty *etc.* (viii) As the Colony will be exposed to the Indians on the west side of the mountains, asks for a grant of guns and ammunition and small arms, for the erection of a fort, which will also secure the whole Province on the west side. (ix) If the Governments of Virginy and N. Carolina by order of the Board were to assist the people with some corn for a year's subsistence, and some live cattle, for 3 years, as doth the Government of S. Carolina for 6 years, it would be a great help *etc.* As many good workmen, willing to go, cannot pay for their passage, foreign Protestants as well as English subjects to be allowed to furnish them with funds for their voyage, at interest of 6 per cent., but for the first years nothing, upon mortgages of their lands, till they be in a condition to pay the capital, within 12 years *etc.* It is otherwise to be apprehended that their going out will be severely hindered, "for a little book of Mr. Purry by too much praise of Carolina and without instruction hath set the people on, for going there, which come without any certainty, or money, and the little they have, is spend't by a long ill-contriv'd and unseasonable voyage" *—etc.* All persons who are at the charge of settling the land, as well as those that live in the country, to be esteemed natural subjects of the Kingdom, so that they may possess land with a right title to sell or dispose of it *etc.* *Endorsed*, Read, Sept. 17, 1735. 3½ pp. [*C.O.* 5, 1323. ff. 174–175 v.]

Sept. 18.  
Whitehall.

**111.** Mr. Popple to Mr. Fane. *Encloses* 5 Acts passed at St. Xtophers in 1731, 1733 and 1734, for his opinion in point of law. [*C.O.* 153, 16. f. 30.]



1735.

Sept. 18.  
Whitehall.

**112.** Council of Trade and Plantations to Lt. Governor Armstrong. Since our letter to you of the 11th of September, 1734, we have receiv'd yours of the 24th of October following, and on the 14th of January last with the Minute of Council relating to Mrs. Agatha Campbell and Coll. Hart's grant of land. You have not in either of these letters given us any answer to that part of our last, which related to the duties you formerly mentioned to be payable at Canso, and therefore we desire you will do it by the first opportunity. We likewise desire you will inform us, at the same time : what numbers of English inhabitants there are there or in any other part of the Province, and how many effective men there are actually in the regiment in Nova Scotia. We have consider'd the alteration you propose relating to the Quit rents, but we do not apprehend it would have the effect you expect from it. The only probable method to people the Province is to form a civil government there ; but until there are English enough to compose an Assembly this cannot be done ; we therefore desire you will send us what information you may be able to procure upon this subject, that from the returns we shall receive from you we may judge what possibility there may be, of completing a civil government in Nova Scotia. We have reconsidered what you wrote about the want of presents, to keep the Indians our friends, and we shall take an opportunity of laying our opinion thereupon before H.M. So we bid you heartily farewell—Your very loving friends and humble servants *etc.* [C.O. 218, 2. pp. 320, 322.]

Sept. 18.  
Whitehall.

**113.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. By the Charter of the Massachusetts Bay, all pine trees of a certain dimension, not growing upon any soil or tract of land within that Province, theretofore granted to any private persons, are reserved for the King's use, as by an extract of the said Charter hereunto annexed appears ; but the people of the Massachusetts Bay, in order to elude this reservation in behalf of the Crown, do pretend that part of their Province having been long before the date of the said Charter, the private property of Sr. Ferdinando Gorges, from whom the Massachusetts Bay purchas'd the same, all trees growing upon that tract of land do belong to them, and are not included in the aforesaid reservation, upon which some persons have brought actions against the Contractor's Agents for furnishing the Royal Navy with masts, and obtained judgement in New England against them for cutting such trees, and also other actions for cutting of smaller trees in order to come at the larger, and clearing ways to haul them to proper places for shipping them off ; whereon judgements have been obtain'd against the Contractor's Agents, and appeals refused. I am also desired by my Lords Commissioners for Trade and Plantations for your further information to send you the inclosed papers, which contain a full account of these transactions ; and as my Lords think this a matter of very great importance to the Crown, their Lordships desire your opinion upon it as soon as conveniently may be. [C.O. 5, 917. pp. 146, 147.]

1735.

Sept. 19.  
Whitehall.

**114.** Council of Trade and Plantations to the Queen, Guardian of the Realm *etc.* *Propose* John Williams, Senr., to supply a vacancy in the Council of St. Xtophers caused by the resignation of Peter Souleigre. [C.O. 153, 16. pp. 32, 33.]

[Sept. 19.]

**115.** Henry Popple to the Council of Trade and Plantations. Memorial in behalf of Montserrat. *Abstract.* Scarcely one-third of the inhabitants have any small arms. They are unable to purchase them, hurricanes and drought for several years having very often destroyed a great part of their crops and prevented their recovery from plundering of the Island by the French in 1712. H.M. has been graciously pleased to direct that a quantity of small arms should be sent for the defence of this Island. Yet as these must necessarily be kept as a store in reserve against actual invasion, the Council and Assembly, taking into consideration the prospect of a war in Europe *etc.* passed an Act *for the better supplying this island with small arms*, to continue for 7 years, laying a duty of 4d. pr. ton upon every ship over 25 tons burthen loading produce of the island, to be laid out upon the purchase of a further quantity of small arms. Governor Mathew has instructed the Memorialist that he thought himself obliged in duty to H.M. to reject the said Act, though convinced of its absolute necessity, in regard that he is expressly directed by one of his Instructions not to pass any Act, by which the trade or shipping of this kingdom may be affected. This very small temporary duty, only affecting ships returning laden with produce of the island, is the only method for effecting this service. *Suggests* that it may therefore be allowed to pass, for instead of being a charge on the trade of this Kingdom, it will actually be a service to it, by perhaps preventing the total loss of the island *etc.* *Signed*, Henry Popple. *Endorsed*, Reed. Read 19th Sept., 1735. 1 p. *Enclosed*,

115. i. Act of Montserrat *for the better supplying this island with small arms.* Passed the Council and Assembly, 19th Sept., 1734. *Copy.* 3 pp. [C.O. 152, 21. ff. 176, 177-178, 179 v.]

Sept. 27.  
Annapolis  
Royall.

**116.** W. Shirreff, Secretary of Nova Scotia, to the Duke of Newcastle. Having sufficient assurances given of being represented as an obstructor of H.M. service and disrespectful to his orders in not countersigning, as Secretary, a patent under the seal of this Province of Nova Scotia thereunto affixed, signed and granted by the Honourable Lieutenant Governor Armstrong in favour of John Hart, Esqr., I most humbly beg leave to lay before your Grace my reasons for so doing and with all due regard and submission submit them to your Grace's serious consideration: being as follows: 1st. That Governor Armstrong hath, without the advice of H.M. Council here, departed from the letter of H.M. Instructions, in altering the boundrys of that part of the Peninsula petitioned for and prescribed by H.M. to be granted to the petitioner and laid out by Mr. Geo. Mitchell, one of the Deputy Surveyors, conformable to H.M. Instructions: he hath made it a triangle instead of an oblong and extended it on



1735.

[116]

one side towards the Bay of Fundy thirteen leagues and a half instead of twelve leagues eastward to the mainland as directed by H.M. 2ndly. That he of his own accord without any such a report from the Surveyors or advice of Council computed said triangle to contain two hundred thousand acres ; of which in the patent he makes one hundred thousand only profitable and requires quit rent for the profitable only. 3rdly. That by running the hypotenuse of his said triangle along the sea shore, and not eastward as H.M. directed is not only in prejudice of your Grace and others nominated by him to be proprietors of lands at Chiconecto, but by so doing rendered the backlands entirely unprofitable, and consequently, according to the tenour of the Patent he hath thus granted without the advice of Council, of no profit to H.M. 4thly. In vindication of myself and the other gentlemen of the Council, I presume to assure your Grace that all due regard hath been had to H.M. order in favour of the petitioner *etc.* Refers to Minutes of Council. 5thly. The Lieut. Governor never laid either the patent or a scrawl thereof before the Council or so much as asked their advice thereon and he hath since asserted that he had sufficient authority of himself for so doing *etc.* Signed, W. M. Shirreff. 3 pp. *Enclosed*,

116. i. Minutes of Council of Nova Scotia, 23rd Sept., 1735, 30th Nov., 1734. 4 pp.

116. ii. A Map of a Peninsula situate in ye Bay of Fundy surveyed by order of the Honble. Laurence Armstrong, Esqr., Lieut. Governor, *etc.* by Mr. Geo. Mitchell and Mr. Edward Amhurst, Deputy Surveyors. 2 pp. [*C.O.* 217, 39. ff. 144-145, 146-147, 148-149, 150 v., 151.]

Sept. 27.  
Annapolis  
Royal.

**117.** Lt. Governor Armstrong to the Council of Trade and Plantations. I did myself the honour to write to your Lordships in January last, and then lay before you the true state of Mrs. Campbell's case, and my opinion thereupon ; which, I hope, your Lordships has received. I went up the Bay of Fundy in Aprile last, and had an opportunity to talk to the inhabitants, who I found not only very complaisant, but seemingly well affected to H.M. interest, in which I encouraged them, tho' I well knew how little sincere they were in that profession, my presence being then the only thing that moved them to make a pretended shew of their loyalty ; and it is impossible that they will ever be kept in any manner of subjection unless a block house was erected, and a strong party of soldiers placed amongst them ; for they are not only of themselves rebelliously inclin'd, but they also incite the Indians, upon all occasions, to give us disturbance ; and it is impossible at this distance to over-rule them by strength ; and as I have often observed to your Lordships before, the only way to secure the Indians to our interest would be by sending over annual presents ; and by this means both their tra[de] and affection would be attached to our Government ; But this I refer to your Lordships' better judgement. Upon my return from the Bay of Fundy I went to Canso, where I spent most part of this summer. I found that place in great confusion, and

1735.

[117]

received and heard the complaints of the inhabitants and fishermen against Capt. Aldridge, the then Commandt.; for which reason I removed him from that command, gave him leave of absence for eight months, and left Major Mascarene to command at Canso, who is a worthy honest man, and make no doubt will please the inhabitants better. I beg leave to observe to your Lordships that if a fortification was built in that place, it would add very much yearly to H.M. revenues; and without such a fortification there can be no dependence upon any safety there; it is true there has been a good fishery there this year, and I believe between 30 and 40,000 quintals of fish cured upon the Island; but this was chiefly owing to the encouragement that I published in the prints at Boston last winter; and shall leave nothing undone to forward the good of that place. I am under a promise to the fishermen and inhabitants to go there next summer, which I intend to perform; and this Fall I am informed there is good expectations from the whale fishery. There is no alterations in the state of the Province since my last; when any happens I shall do myself the honour to acquaint your Lordships. *Signed*, L. Armstrong. *Endorsed*, Recd. 4th Feb., Read 7th May, 1736.  $2\frac{3}{4}$  pp. [C.O. 217, 7. ff. 168-169 v.]

Sept. 29.

**118.** Petty expenses of the Board of Trade, Midsummer to Michaelmas, 1735. v. Journal. 5 pp. [C.O. 388, 80. ff. 138, 139, 140-141.]

Sept. 29.

*Falkland  
in St. John's  
Harbour.  
Newfoundland.*

**119.** Capt. Lee, Governor of Newfoundland, to Mr. Popple. *Encloses following.* Is sailing from Newfoundland on Oct. 1. *Signed*, J. H. Lee. *Endorsed*, Recd. Nov. 20, Read Dec. 4, 1735. *Addressed*.  $\frac{3}{4}$  p. *Enclosed*,

119. i. Capt. Lee's replies to Heads of Enquiries. (1) On my arrival the principall inhabitants being ordered to attend, H.M. Commission was with due solemnity read and published. (2) During my stay in the Island, there were none convicted of murthers, felonies or other capitall crimes. At my first arrival at St. John's I was acquainted, that there were three persons, under confinement in the common jail, on suspicion of being guilty of a murder committed in the spring at Ferryland, two of which persons made their escape through the wall of the said jail, during my being in the harbour, before I cou'd bring them to examination, but by what I cou'd find by the information of the justices of the Peace, who committed them, the evidence against them was chiefly circumstantiall. I have levied a small tax or rather subscription on the district of St. John's to make the jail next Spring more secure and thereby to prevent such escapes for the future. (3) I went to Placentia and during my stay there, I had some complaints from the inhabitants, that sometimes the officers of the garrison had meddled in the civil government, tho' not so much of late, as in late Lieutt. Governour's time.



1735. [119 i.]

I could no ways find the officers concern'd themselves with the fishery, nor possess'd themselves of any beaches, stages &c. I left the most strict orders in the hands of the Justices of the Peace ; commanding the officers not to interfere out of the garrison on any pretence. (4) I did all in my power to hinder the engrossing commodities, but beleive 'tis here, as in most other place, the richest people will take their oppertunitys of advantaging that way. (5) I have herewith transmitted to your Lordships the best account, I cou'd gett of all ordnance stores, lately sent the garrison, what has been lost and decay'd and the whole remaining in the fort. The state of the fort, for so small a one as it is, is in good condition, but on my reveiwing the soldiers and mustering them, I cou'd not find above seventeen cou'd appear, out of which about six, are quite unserviceable thro' age, and 'tis pittty they are not provided for in Chelsea, I enquir'd the reason why ? the company was so short of their number, which should be thirty-two effective men, but cou'd get no answer, but that they wou'd recruit, as soon as possible. The small arms in the garrison are so bad, that very few of them are serviceable. (6) By my observations on this coast all draughts and mapps, that I cou'd see, had their diff'rent mistakes, more pticularly on the S.Wt. part of the Island, which 'tis a pity we are nott better acquainted with, many rocks being there, whose bearings are unknown and very dangerous to shipping, pticularly ships of H.M. who draw much water. I have been able to procure a pretty good draught of St. John's Harbour and beg [*? bay*] as also of the little Bay of Placentia, which is at your Lordship's service. (7) The Act of the fifteenth of King Charles the Second for the encouragement of trade, is very little minded, as I am very well inform'd, wines and brandy in great quantitys are every year by vessels imported into all parts of Newfoundland, who are cheifly loaded with salt, from France, Spain or Portugall, I gave strict orders to the Captains who were under my command to do their utmost to hinder this kind of smuggling and to make seizure of such commodities prohibited and the vessels who imported them, according to the said Act. I found the proof very difficult, tho' the said wines and brandy, are in use every day ashoar, and 'tis my opinion, that if there was a Judge of the Admiralty in this Island, it wou'd hinder these abuses, as it wou'd deter Masters of merchant ships, because their vessels cou'd then be adjudged and condemned on conviction in Newfoundland. While I was at Placentia, I made seisure of a snow, call'd the *Eagle Galley* and had sufficient proof of her having imported both brandy and wine directly from France. I was cautious of acting wrong to my prejudice ; and the master of the said

1735. [119 i.]

snow, together with Mr. Gledhill, son to the Lieutt. Governour of the Fort, making oath that the said brandy and wine were for the use of the said Lieutt. Governour, and not for sale; I permitted the snow to proceed on her voyage, the Master giving me bond for five hundred pounds ster. to make good the outsell of the said snow, if H.M. or your Lordships shou'd incline to prosecute the affair further. (8) I cou'd not hear of any meeting of people, but in the publick churches; 'tis true, there are more Irish Papists, then of all sorts of people in the Island, but they are so happy that they have not a preist amongst them, as I cou'd ever find or hear of. (9) The Bishop of London's Petition to his late Majesty, was to be sure, very well design'd, I am apt to beleive some malicious persons have misrepresented the inhabitants of the Island to his Lordship. Blasphemy, prophaneness, adultery, fornication, polygamy and incest are crimes, I never had any complaints of, while in this part of the world. If I had, due care shou'd have been taken to suppress such vices, prophana-tion of the Sabath and swearing I discountenanc'd as much as possible and the seafareing people, much the same sort of people here as in their behaviour in other seaport towns in England *etc.* (10) The parson at St. John's, is far from giving any offence by his actions, being a very discreet person; he is the only clergiman I saw in the Island besides one aboard of my own ship. (11) A table of Marriages was ready hung up in the church here, before my arrivall, and due regard is had to the same. (12) I hope I have no ways exceeded the limitation of my Commission, nor has any occasion requir'd I shou'd, if the interest of the Island shou'd at any time require, what is not allowed or provided for by the sd. Commission, your Lordships shall have immediate notice thereof. (13, 14, and 15) These three Articles I have observed to the best of my knowledge, and herewith your Lordships will have the best information I cou'd obtain on the following Articles. (16) I gave the Admiralls most strict ordrs. in relation to this Article, and cou'd not find, that the practice of throwing out ballast &c. had been encourag'd in the great harbours, but had done great damage in some of the little harbours to the No. ward, by almost choaking them up. (17) The inhabitants take care no person at his departure shall deface, or pull down, the stages, cook rooms, etc., it being their advantage to keep them standing. (18) The Admiralls being first in the harbours, take care of themselves, there are often disputes about flakes and beach room, from which come complaints which are often brought before the Comanders of His Maitie.'s ships to be decided. (19) I believe the inhabitants have relinquisht all the stages etc. pursuant



1735. [119 i.]

to the Act of Parliament : there were no complaints to the contrary. (20) I beleive this Article is very well observed ; there were no complaints to the contrary. (21) This Article is not well observed, the byboat keepers and masters of ships have great quarrels about it, which is often very troublesome to the comandrs. of His Maitie.'s ships. (22) I do not find this Article observ'd : many ships come here from France, Portugall and Spain, they being such as they can gett, many of whom are Irish Roman Catholicks. (23) The inhabitants employ mostly Irish Papists and those often such miserable creatures, that nowhere else they wou'd earn bread. (24) There are many roguerys of this sort comitted every year, as it often appears in Court, where sufferers make their complaint and are releived. (25) I beleive this Article very well observed. (26) This Article is pretty well observ'd, they are jealous of one another and are very watchfull. (27) There is very little ordr. observed by the fishing ships, before the arrivall of the men-of-war, the Admirals are often very ignorant fellows, and carry little weight in their station, they seldom have a notion of the Act of Parliament and often don't know there is such a one. (28) The Admiralls determine differences touching the fishery, and the persons who suffer by their determination, most commonly appeal to the comandrs of men-of-war, and complain, often not without reason, of partiality amongst the Admiralls. (29) The Lord's Day is the only holliday fishing people have in the week, I did forbid the vending liquors on that day, but 'tis impossible to hinder it. (30) There are many people, from H.M. Plantations and Collonies, who have never resided in Great Brittain. I conceive I had no authority to molest them. (31) I have in my annext scheme given your Lordships the most exact account of every part of this Article. (32) The upper sort of people have some cattle of all sorts and poultry of all sorts from New England, having a great deal of good grass, weh. feeds sheep &c. in the summer time and affords every one a little hay against the winter, the poorer sort of people live very hard, and often die in winter time for want. (33) I cou'd not find that the inhabitants cou'd be supply'd with sail cloth, netts, and tackle any where so cheap as from England, none of the Plantations use the same sort of fishing geer. (34) The inhabitants agree with their servants according to their merit, the manner they pay them is scandalous, they give them the cheif part and often the whole in rum and some cloaths at a most exorbitant price. (35) The whole charge of fitting out a boat for the season is about one hundred and twenty pounds ster. (36) The inhabitants employ no more servants then they want, when they are making

1735. [119 i.]

fish. Some times, in rainy wear, the servts. cannot work about the fish, then the masters employ them, in any work they have to do, in their houses or in the fields. There is no difference in the prices of fish, that depending wholly on the goodness. They generally allow four men to each boat. (37) As soon as the fishing ships are gone, they have no time to be idle, those that are able to bear the cold are usefull to their masters in cutting wood for fuell and other timber for building of flakes, houses, stages, etc. (38) There is a trade here for furs, wch. has not been encreas'd of late years, rather lessned ; some people here tell stories of Indians have been seen some years ago, I am certain they have no traffick now, nor did I see one person in Newfoundland had ever seen an Indian. (39) The cheif part of St. John's Town is close to the watersides, the fishing people have it to themselves, so they cannot complain. (40) The inhabitants claim a right to all such stages and flakes, as they have built on places not possess'd in the year 1685 and hire out such as they do not use themselves. (41) The people proportion their flakes according to the number of fish they take. They build them in shape according to the form of the ground oftentimes, but mostly where the ground is even, they build up into the country. (42) I don't beleive there has been any just register kept of the fishing places at the year 1685. What was the property of the fishing skiprs, and what of the inhabitants ? I never met any disputes of this kind. (43) The fishing ships that come from Great Britain, are virtuall'd from thence, but many ships in their passage call in Ireland, where they take in passengers, as well as provisions, neither of which are to the interest of the English trade. (44) No master of a ship is allow'd to be Admirall, unless he produces his certificate of having clear'd out of the Custom-House of some port of England. (45) The masters of ships in general, know very well what is their privilidge and are often troublesome by making complaints without reason. (46) The by-boat keepers generally hire stages, flakes, etc. of the planters by lease for a term of years, or else they build them every year when they come, in places not belonging to the ships. (47) The ships from Biddeford and Barnstaple, are the only ships that go on shares with their company's now : the charge of fitting out a ship of one hundred tons, ten boats and fifty men, is about a thousand pounds ster. (48) There has been always a clandestine trade carried on, by the ships, who bring salt from France, Spain and Portugall, as I have given your Lordships an account in my answer to the seventeenth Article *etc.* (49) The said commodities are in general us'd every day amongst the fishery and on shoar. I can't say wether they supply New England, or the



1735. [119 i.]

other Plantations from hence with them. (50) I have heard that there is brought to Newfoundland every year, great quantities of rum, the whole in the different harbours I cou'd not learn, there is also great quantities of tobacco, bread and flower wth. molasses, but cou'd not find they carry on any indirect trade from hence to Portugall or Spain or any other part. (51) The merchants of New England, sell their goods, as it happens, sometimes for fish, at other times for bills of exchange, if they take fish, 'tis the cheapest sort, which makes their returns either by selling said fish at Madera, the Western Islands, or in the West Indies for the negroes. I cou'd never find what ye value of the goods sold by them amounted to. (52) In St. John's I beleive there are twelve publick houses, kept by the inhabitants. I suffer'd them by licenses, wch. I was cautious of giving, without security of the behaviour of the persons, who kept them: the Masters of the ships and by-boat keepers sell their own servants liquor themselves, often times to more value then the amount of their wages at a most extortionable price. (53) There is great poverty amongst the top inhabitants, they all I beleive are more or less guilty of this Article. (54) They pay three or four pounds for their passage, the inhabitants and boat keepers sometimes pay the masters for their servants' passage part in fish, but all the rest is ballanc'd by the manner expresst in this Article. (55) The practice of trusting amongst the fishermen is certainly the foundation of all disturbances and of great prejudice to the trade, but it will be very hard to reform the abuse. (56) The Masters of the fishing ships do, I find, encourage their servts. to stay behind or go to New England to save them the expence of sending them home, I cou'd not find the exact number that stay'd last year. (57) The New England traders do entice seafaring people and others, all they can, and I have reason to beleive the inhabitants assist them therein. (58) I was not wanting in my utmost endeavours to prevent Masters of New England vessels from carrying off people from Newfoundland, to which end, I obliged all such Masters of ships bound there to give proper bonds of five hundred pounds ster. with five hundred for their security's well wittnessed, which bonds are broke if they carry any person or persons hence to New England, without my pass. I have herewith transmitted to your Lordships the sd. Bonds. (59) I represented the complaints of the Consuls and Merchants abroad to the Admls. and I strictly enjoined them to be very carefull as to this Article, that the Mastrs. of ships take better care, the Admiralls assure me that everybody takes the greatest care, which I think very natural to imagine for their own interest, they wou'd else be soon ruin'd. I order'd the

1735. [119 i.]

Admiralls to return me the names of such who were remiss in this affair. By what I cou'd find, five hogs-heads of good salt will cure sixty quintalls of good fish. The fish taken on the Banks, is no ways equal to that caught in shoar, as they have not immediate conveniency of curing it. (60) I cou'd not learn any certain acct. of the French fishery, more then that they are very successfull, and that they cure their fish so that it bears a better price at markt then ours. (61) I did hear there were some few French fishemn. at St. Peters very poor, quiet people. I was myself at Placentia, there is but one family of French remaining there, wch. is accounted the most orderly in Placentia. (62) I cou'd not find, that the French are guilty of the breach of this Article and am apt to beleive by all that I cou'd learn, that they are very observing of the Treaty of Utrech in that particular. (63) I cou'd not find the officers of the garrison at Placentia concern'd themselves with the fishery and I gave strict orders that they shou'd not. (64) I shoud have been very glad to have contributed what I cou'd towards the salmon fishery, but find it has been very small this year, as appears by the fishing scheme I send your Lordships herewith. (65) Severall of the Justices of Peace appointed by Heny. Osbourne, Esqr., in this country, many of them are since dead and gone away; I appointed some new ones, who were people of the best character I cou'd find; it is very difficult to find those, who will act in the Commission, as they complain that their authority is little observ'd, especially after the departure of his Maitie's ships. There have been great differences between the fishing Admiralls and Justices of the Peace, I endeavour always to convince them of their different authoritys and hope I have done some service therein. I observ'd the Admiralls are often very ignorant fellows and have sometimes a stupid notion of the Act for the encouragement of trade to Newfoundland, which they think contains all laws and every regulation to be obser'd either aboard or on shore. The Justices of the Peace are jealous, that the Admiralls take too much upon them; on this account, 'tis difficult to get anybody to accept of the Comission. (66) *etc.* The fishing scheme is as exact as he could form it. "There was indeed a fishery at St. Peter's and in some other little creeks of the Island. I was never able to obtain any certain account of them" *etc.* Signed, J. H. Lee. Endorsed, Recd. Nov. 20, Read Dec. 4, 1735. 9 $\frac{3}{4}$  large pp. Enclosed,

119. i. Account of Ordnance Stores at Placentia, Aug. 19, 1735. Signed, Will. Sanderson. Same endorsement. 9 $\frac{1}{2}$  pp.

119. ii. State of the planters and inhabitants of Newfoundland, 1735. Details given by harbours. Totals;—



1735. [119 ii.]

Houses, 468. Lands improved, 124 acres. Number of inhabitants, 3995, including 226 children. Remained in the country last winter, 3,250. Births (since departure of last convoy), 72; deaths, 11. *Same endorsement.* 1 p.

119. iii. Scheme of the Fishery at Newfoundland, 1735. Details given by harbours. *Totals* :—British and American fishing and sack ships, 239, 19,627 tons. Number of crews 3,056. Passengers, 2,138. Boats kept by by-boatmen and inhabitants, 1,003 (including 5 by American ships). Number of by-boatmen 1,885. Quintals of fish made, 419,075. Quintals carried to foreign markets, 404,725; and tierces of salmon, 490. Train oil made, 1,520. Prices of fish per quintal, 20 and 5; of salmon per tierce, 40; of train oil, 9 to 12 pounds. Value of seal oil, 3,379 pounds; of furs taken by inhabitants, 485 pounds. Number of stages, 446; of train fatts, 290. *Same endorsement.* 1 large p.

119. iv-x. Copies of seven bonds entered into by New England masters of vessels, not to carry any fishermen from Newfoundland, but what belong to their own ships. 7 pp. [C.O. 194, 10. ff. 1, 2 v.-8, 9-13 v., 14 v.-16, 17, 18, 19, 20, 21, 22, 22 v.]

Oct. 2. Philadelphia. **120.** Lt. Governor Gordon to the Council of Trade and Plantations. In obedience to your Lordships' commands of the 17th of June, which reached my hands but eight days since, I do myself the honour to acquaint your Lordships, that there were no laws in force within this government on the 25th of March, 1731, nor have any since been passed by which any duties or impositions are laid on the trade and shipping of Great Britain; nor are there any duties or impositions whatsoever now paid or payable on the importation or exportation of negroes, wines or other kinds of liquors or on any goods, wares or merchandize or shipping, throughout this Government, which has been remarkably carefull to preserve its trade free from any country duties that might give it the least discouragement. On the retailing of wine, rum or other strong liquors by small measure there is an excise of four pence this currency each gallon laid for three years, by an Act of Assembly, of which lest the further knowledge should be necessary to the present enquiry, I beg leave to refer your Lordships to the exemplified copy transmitted, soon after the Act passed, to Mr. Paris the Agent for this Province in order to be laid before H.M. in Council; the produce of which excise, and the interest arising from the emission of our paper currency being the only funds established here for the support of Government. *Signed,* P. Gordon. *Endorsed,* Recd. 24th, Read 26th Nov., 1735. 1½ pp. [C.O. 5, 1268. ff. 176, 176 v., 179 v.]

Oct. 4. Kensington. **121.** Warrant by the Queen, Guardian of the Kingdom, for appointing Samuel Wheatley Clerk of the Naval or Navy Office,

1735. [121]  
S. Carolina, in the room of Joseph Fox deed. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 50. pp. 101-103, 524-5.]
- Oct. 4. **122.** Warrant by *Same*, for appointing Nathaniel Cruttendon  
Kensington. Vendue Master, S. Carolina. *Countersigned*, Holles Newcastle.  
*Copy*. [C.O. 324, 50. pp. 103, 104, 526.]
- Oct. 7. **123.** Mr. Fane to the Council of Trade and Plantations. Is of  
opinion that "the forme of the grant as settled by the Attorney  
General of Carolina is extreamly proper, such reasonable condi-  
tions and reservations being made therein as are usually incerted  
in all the grants I have seen from H.M. to his subjects in that  
part of the world. *Signed*, Fran. Fane. *Endorsed*, Recd. 8th  
Oct., Read 28th Nov., 1735. 1 p. [C.O. 5, 365. ff. 17, 18 v.]
- Oct. 8. **124.** Mr. Fane to the Council of Trade and Plantations.  
Report upon 5 Acts of Jamaica, 1735. Has no objection to  
Acts *imposing duty on spirits retailed etc.*, and to *oblige the*  
*inhabitants to provide themselves with a sufficient number of white*  
*people etc.* But as to the Act *for raising several sums for subsisting*  
*the officers and soldiers etc.*, "it may in general be necessary for  
supporting the expences of the Government of this island. But  
the clause, which your Lordships have observed, which imposes a  
severe penalty upon the Officers of H.M. Forces there for inlisting  
recruits amongst the people of the island, is in my humble opinion  
both extraordinary and unprecedented, as it restrains the  
prerogative of the Crown by preventing the exercise of it in a  
point so essential for the security of the whole Government, nor  
can any political consideration with regard to this Island be any  
excuse for such a proceeding. For I apprehend supposing the  
facts mentioned by the Council as reasons for passing this clause  
were true, they should have represented them to H.M. or his  
proper Officers; and it is certain that H.M. from His known care  
and concern for the good and ease of his subjects in all parts of  
His Dominions, would have given such proper directions for  
redress, as to have made this extraordinary method unnecessary.  
As to the Act *for putting this Island under martial law etc.*, I can't  
forbear upon this occasion observing to your Lordships that this  
practice seems to be too frequent in this Island. How farr  
necessary it may be for the service of the Government your  
Lordships are the best judges: But this I beg leave to say, that it  
ought never to be made use of in a civil Government, unless upon  
some very great emergency *etc.* Has no objection to Act *for*  
*enabling Mary Howell etc.* *Signed*, Fran. Fane. *Endorsed*, Recd.  
14th, Read 22nd Oct., 1735. 2½ pp. [C.O. 137, 22. ff. 7-8 v.]
- Oct. 9. **125.** John Gregory, President of the Council of Jamaica, to  
Jamaica. the Duke of Newcastle. I take this first opportunity, according  
to my duty, of acquainting your Grace with the death of Mr.  
Ayscough, late President of the Council, which happened on the  
29th September last. By his death the Government would have  
devolved upon Mr. Pennant as oldest Councillor, but he is so worn



1735.

[125]

with age and infirmitys, as to be uncapable of acting, and has made a formal resignation of his pretensions to the Government, and his post in the Council, by which means the Government is come into my hand as next eldest Councillor. This advancement has been very unexpected and I assure your Grace undesired by me; I am sensible of my own insufficiency to be at the head of a Government, so full of disorder and confusion as this happens to be, occasioned by our late heavy taxes, our want of currency, and ill success against the rebellious negroes. It requires a person of experience and resolution, and one well supported by his interest in England, to restore this place to a flourishing condition. I presume your Grace has from time to time been made acquainted with everything material that passes; nothing has lately happened of any consequence besides the death of certain gentlemen of distinction here, which has been a very great loss to us at this critical time. We still continue in possession of the negro town which formerly gave us so much trouble, it is a place by all accounts very uncomfortable, tho' healthy, and the expence and difficulty of supplying it with provisions is very great. The soldiers who were first put in possession of it quitted it upon pretence of wanting provisions, tho' as far as I could ever learn, without sufficient foundation. The Militia of the Island were afterwards sent to it and remained there upwards of six months, whilst the martial law subsisted. When that ceased, there was no power to detain them longer, and no money to engage them voluntarily, so that a party of soldiers have been again sent to releive them. I wish they may not desert it, if they should, the negroes, who are at no great distance from it, will probably be soon in it, and we shall have the work to begin. I can't say the Martial Law, tho' absolutely necessary at the time, did in all respects answer our expectations, the negroes indeed were dislodged from that fastness, and I believe it had the good effect of discouraging several of our plantation negroes from joyning them, but the rebels lost very few of their number that we have any certain account of. They divided themselves into two bodys for the better conveniency of subsistance. One of the bodys consisting by the best information we could gett, tho' that very uncertain (for negroes don't know how to express themselves by numbers) of 300 men, women and children, marched from the Eastern parts to the Western, near 150 miles through the country without receiving much damage, tho' attackt twice or thrice in their march. This may seem strange, but their marches are so surprizingly expeditious over vast mountains and through thick woods, to which they are perfectly inured, that it is almost impossible to pursue them with any success. They have of late been pretty quiet but by the intelligence we have gained by one or two we have taken, they have joyned with another large town in the Western parts, where they are fixing themselves and planting provisions for this additional increase, and I am very apprehensive we shall quickly hear of some sudden and dangerous irruption. The soldiers have not yet been so serviceable against them as might have been expected, but doubtless the appearance

1735. [125]

of them has kept our plantation negroes in order. Many of the soldiers are dead, I beleive not one half remaining, having received no recruits since their arrival, three out of the five Captains that came with them are dead, several of the Lieutenants, in two of the Companys but one officer commissioned by the King alive, and he uncapable of acting by some disorders in his head, so that to keep the company from falling into confusion, warrant officers have been made here, by which they are entitled to twenty shillings p. week this country pay. I am in hopes the country have lately come into a scheme of making them more usefull, and preserving their healths by keeping them out of the reach of strong liquors ; an Act has been pass'd for the building of twelve barracks in the places most infested by the rebels, and roads directed to be cut across the Island to open a better communication, this will be a work of much time and expence, and when perfected it will be difficult to provide men to barrack them unless the Companys are compleated, and in my humble opinion if two Companys of Highlanders were added to these it would effectually secure us against intestine enemies. Before I finish I must beg leave to observe to your Grace that there are but eight Gentlemen of the Council in the Island, to make a quorum requires five, and as they live remote from one another it is difficult to make a Council. I take the liberty of recommending one to your Grace, my brother Matthew Gregory, a man of integrity and good understanding, otherwise my partiality to him as a brother would have had no influence over me, when H.M. service is concerned. Your Grace will be so good as to excuse my taking up so much of your time, as this was my first letter I was the more circumstantial *etc.* John Gregory. *Endorsed*, R. 20th Jan. 3 pp. [C.O. 137, 55. ff. 209-210 v.]

Oct. 9. **126.** Duke of Newcastle to Governor Belcher. Being inform'd, that Sr. Thos. Prendergast has a demand of near two thousand pounds on Mr. Auchmuty, Chief Judge in New England, by decree of the Court of Chancery in England ; and that Mr. Auchmuty, not being able to pay the mony, at the time of the decree, was permitted to go abroad by Sr. Tho. Prendergast's guardians ; and now refuses payment of it ; I am to beg the favour of you, to countenance Sr. Thomas Prendergast's agents, in carrying on the suit against Mr. Auchmuty, for recovery of this debt, as far, as shall be agreeable to law, and justice. *Signed*, Holles Newcastle. Copy. 1 p. [C.O. 5, 899. f. 203.]

Oct. 10. **127.** Duke of Newcastle to Governors of N. and S. Carolina, Maryland, New York, Pennsylvania, New Hampshire, Bahama I. and Virginia. Mr. Oglethorpe, a member of Parliament and one of the Trustees appointed by H.M. Letters Patent for settling of a Colony of H.M. subjects on the borders of Carolina, having already been there to inspect its first establishment, and intending to return soon thither to encourage the further progress of that undertaking and to promote its success wch. must be of great advantage to the Trade and Navigation of this Kingdom, as well

Whitehall.



1735. [127]

as a considerable addition to the strength and security of H.M. Colonies in America, I must desire you will give him all the assistance in your power, and any personal acts of friendship and civility that you shall do him will particularly oblige me, who am with great truth and regard. *Signed*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 527.]

Oct. 10.  
Whitehall.

**128.** *Same* to Lt. Governor Broughton. I am to acknowledge the favour of your letter of — with an account of the death of Col. Johnson. I doubt not but that as long as you shall continue in the administration of that government, you will do everything in your power that may be for H.M. service and the interest of the Colony. I take the opportunity of Mr. Oglethorpe's going to Carolina to suggest to your consideration, by H.M. commands, some points, which, if they can be brought about, H.M. thinks may contribute to the security and welfare of the Colony, which is at present committed to your care. H.M. thinks it proper that the Independent Company should be removed to the southward, and quartered upon the Island of St. Simon, and the Queen would have it be considered, whether it may not be for the service of the Colony that you should recommend it to the Assembly to give their assistance towards fortifying that Island, and to send down 200 negroes to work for one year upon building a fortress there. And that you should also recommend it to the Assembly to pass an Act for contracting with persons of substance and ability for settling the townships, and to give such person or persons such parcels of lands within the townships and within the six miles round the same, and such other encouragements and authority as the Assembly shall find necessary for the better peopling of the townships; provided always that the Contractor or Contractors shall be obliged to settle 600 white men, women and children in the township for which they contract, within six years of the date of the grant; and in case that the Contractor or Contractors shall not within six years settle the whole number of 600, then to forfeit so much of the lands contracted for, as shall be proportionable to the number deficient, and also to forfeit all such parts or parcels of land as he shall not pay quit rent for, when the said quit rent becomes due. Mr. Oglethorpe, who will be upon the spot, has so true a knowledge of the nature and constitution of the Colony, and so much zeal and concern for the interest of it, that H.M. is persuaded he will be able to give you very usefull lights, whenever you shall consult with him in matters relating to the safety, defence and improvement of Carolina. *Signed*, Holles Newcastle. *Copy*. [C.O. 324, 36. pp. 528, 529; and (draft) 5, 383, ff. 25-27; and 5, 388. ff. 129-130.]

Oct. 11.  
Whitehall.

**129.** Duke of Newcastle to Lt. Governor Broughton. *Encloses* copy of Act of Georgia for maintaining the peace with the Indians, "of which you will take notice accordingly, and, as far as it may concern you, I am persuaded, you will take care, that due obedience be had thereto." *Signed*, Holles Newcastle. *Copy*. *Annexed*,

1735.

129. i. Order in Council confirming above Act, *quoted*. *Signed*, Wm. Sharpe. *Copy*. [C.O. 324, 36. pp. 530-549.]

Oct. 13.  
St. James's.

**130.** Order of Queen, Guardian of the Kingdom *etc.*, in Council. Approving representation of Council of Trade, and ordering that the Act of S. Carolina for appropriating £104,775 1s. 3½d. to lie by probationary. *Signed*, W. Sharpe. *Endorsed*, Reed. 4th, Read 5th Dec., 1735. 1 p. [C.O. 5, 365. ff. 19, 20 v.]

Oct. 13.  
St. James's.

**131.** Order of Queen in Council. Approving draught of an additional Instruction for the Governor of S. Carolina relating to paper money and appropriating thereof. *Signed and endorsed as preceding*. 4 pp. [C.O. 5, 365. ff. 21-22 v., 23 v.]

Oct. 13.

**132.** Capt. Burrington to the Council of Trade and Plantations. *Replies* to Governor Johnston's statement of the case of blank patents (v. 25th May). *Abstract*. As he cannot suspect that a gentleman endowed with so much wisdom should want knowledge, cannot refrain from mistrusting that he has too much an eye to his own profit *etc.* (1) It is very true that after the Lords Proprietors signified their pleasure to Governor Eden, there were no more purchase warrants issued, but as that Province had been many years harassed by dangerous wars with the Indians, some persons who had taken out warrants for lands, were afraid to fix in Bath County during the said wars, but when peace succeeded, part of the proprietors of those warrants required patents for the quantity of land specified in their respective warrants, which was unanimously consented to by Mr. Eden, then Governor, and the rest of the Proprietors' Deputies. The rest of the possessors of these sort of warrants were by different motives deterred from settling their families in Bath County, and therefore transferred them to others, more adventurous; who always obtained patents on those warrants, when a survey was returned into the Secretary's Office. All this was well known to the Lords Proprietors; they had yearly accounts of it; yet they never forbid, nor found fault with their Governour and Deputies. When I was their Governour, I signed about 20 such patents. Sir Richard Everard acted in the same manner *etc.* The warrants and patents were signed by at least one half of the Council *etc.* *Criticises* Mr. Johnston's statements in detail. *Signed*, Geo. Burrington. *Endorsed*, Reed., Read Oct. 14th, 1735. 9½ pp. [C.O. 5, 294. ff. 206-210 v., 211 v.]

[Oct. 14.]

**133.** Address of Inhabitants of Bertie and Edgcombe precincts to Governor Gabriel Johnston. Your Excellency in your answer to the Grand Jury's Address seemed to wonder that you should hear any more upon so unreasonable a subject, wee hope it will not be thought unreasonable that we should address yr. Excellency to protect our laws and liberties and that we may not be disquieted in the possession of our estates (tho' poor and mean) which we first paid for honestly and afterwards settled and improved with much hard labour from the barren woods exposed



1735. [133]

to the violent heat of the sun *etc.*, many of us trusting to what Providence would lay in our way for food, sometimes a deer or bear, and sometimes a racoone, and many days nothing, a rare feast for industrious Protestants, and that many of our ancestors have fallen by the hands of the savage Indians we believe will not be worth mentioning. The fatigue of settling an estate in this Province your Excelley.'s predecessor might have informed you, for no man living could have taken more pains and fatigue then he did to acquaint himself with this Province in general which his many journeys and travels into the back woods will justifie sometimes accompanied by one man only and often pinched with hunger (nay) in danger of perishing, haveing but one biscake for three days to subsist on and sometimes coming amongst the inhabits. without a ragg of cloaths to his back perhaps 200 miles from the place he set out, often carrying with him considerable sums of money and disposing of it among many poor people to encourage and enable 'em the better to settle the back lands, and altho' it had been alledged that Mr. Burrington had taken the great quantity of the King's lands to his own use, we say that most part of that land lies so far back that it can be of no service to Mr. Burrington or to any other for 100 years to come and even that he paid ready money for that it might encourage others to settle the back lands. Notwithstanding these many good offices which that worthy gent. has done for Province with many thousands more, he is now mangled with the imputations of violence, tyranny, perjury *etc.*, and yet stands unconvicted of either of them all, which tho' never so pleasing to a few persons, at most a dozen, which we know to be the whole number of his enemys will never be grateful to the province in general, who will for ever (and deservedly) hold ever his memory in esteem and veneration; the Ministry at home are not insensible how easy a matter it is to get an Assembly in the Plantations to asperse and callumniate a gentleman at a distance, especially as many precincts in this Province were not advised of their elections untill the very day of electing (witness Curntuck and Carteret precincts) the latter of which petitioned for redress but had his mouth soon stopped with an Office; 'tis moreover evident that the Gentlemen who spoke their intentions freely and gave their sentiments as they thought for the good of their countrey did not only incurr great displeasure but were also hindred the means of getting their daily bread. Instance Mr. Samuel Swann and Mr. Walter Lane. Collo. Hanmer is likewise a suffering tho' innocent instance, who acted as Chief Justice of this Province by a Commission under the Seal of the Collony and by the general approbation of the Council and to the great satisfaction of all men with regard to dispatch, justice and levity and at a time when Mr. Smith now Chief Justice was not in the Province. Yet this Gentleman has been tossed into gaol and held there a winter's night and all manner of bail refused him, tho the best gentlemen in the country and the most responsible tendered themselves, and is now obliged to dispose of his estate here and in Virginia and to part from his family in hopes to be redress'd where liberty is not trampled

1735.

[133]

under foot, which we hope he will meet with. Your Excellency is pleased to call our deed of grant a temporary letter of attorney which subsisted two years only ; you may call it what you please Sr. but we are perswaded the Lords Proprietors meant as they wrote (if so) the Proprietors as may appear by their deed of grant directed their Council here to grant lands to any person in Albemarle County on the same tenure that lands were then held in Virginia which was 2s. p. 100 acres in tobacco. at one penny the pound as may appear by the laws of that Colony but when that was found to be a hardship on the inhabitants of Albemarle County by reason their lands would not produce tobacco. as well as the Virginia lands, the quit rents then became payable in other commodities at certain rates and at which rates these commodities were constantly received at every man's house and the said payments never refused by the Lords Proprietors but being content they sent directions in the year 1712 to their Receiver General here how he should dispose of these commodities, which plainly shews that not only the Lords Proprietors' deputies with the Representatives of the people here duly elected have settled the quit rents to be payable in our commodities here at certain prizes but there is also the Lords Proprietors' assent thereto, in directing their Receiver General how to dispose of said commodities, which according to the Charter is conclusive and makes the payment of the commodities at certain prizes indisputable in our opinion. Your Excellency is pleased to call our laws shameful collusions betwixt the Lords Proprietors' servants and their tenants to cheat their masters ; if our laws be what you are pleased to call them, we may be counted rather fools than cheats for settling on so slippery a foundation ; we are perswaded it would be little worth the Lords Proprietors' or their servants' while to make use of any collusions to undo the poor inhabitants of this Province which are many degrees poorer than any of H.M. subjects under Heaven. Your Excellency also alledges that we make a great matter of paying the King two shillings p. hundred acres sterling and that, if we think it a hard bargain, that we may leave the king's land, for that they are the King's lands and not ours and that there to your Excellency's knowledge thousands of industrious Protestants that would come into our places gladly and pay the Crown double the rents without clamour or noise (we thank them kindly) and now answer that, if the lands we possess belong to the King, we have no bargain either hard or soft, but as we know our lands to be our own paying H.M. quit rents which we mean to do honestly, we are perswaded H.M. would not desire us to part from our lands and improvements here to any people whatsoever without first satisfying us for our labour, which when done we will readily quit the Province and seek out lands in our neighbouring Colonies where we may call the fruits of our labour our own and where collusions are not studied, and if your Excellency be desirous we will leave the blood and carcasses of our ancestors to help manure the ground for them which will somewhat help their industry. Your Excellency seems acquainted with thousands of industrious Protestants who would gladly come into our places, we will now



1735. [133]

venture to assert that H.M. in his whole Dominions has not a set of more faithfull Protestants than the inhabitants of North Carolina, for that we have not a single person amongst us who ever has been accused or found to be of any other perswasion, and we will venture to say that your Excellcy. will not pick out of the many thousands you mention even one thousand who have not a hankering after some other religion, which we hope sufficient to prove us as faithfull Protestants as any others whatever. Wee are sorry to see your Excellcy.'s Proclamation commanding us to pay our quit rent in sterling money or bills equivalent as your Excellcy. and the Council will please to assess them, which we apprehend to be contrary to our laws and customs and even to the conditions of the Grand Deed. Wherefore we pray your Excellcy. will please to withdraw said Proclamation and command the officers who are to collect the same to proceed according to the laws of this Province which you assented to by continuing the laws of '29 and which otherwise must end in the utter ruin of this poor Province, we further pray that your Excellcy. will give some further time for the payment of the arrears of quit rent, the month of June being appointed for the first payment, which is a season of the year wherein no commodity of this Province will sell, nor is there any commodity in the countrey fit for the Virginia markett at that time of the year being the only place we have to get anything in return for our commodities from, and especially as the arrears of quit rent have not become due thro' any default of the tenants but by the officers in neglecting to receive the same and we make no doubt but a law will pass in the next Assembly very much to H.M. satisfaction and for the ease of the poor tenants. There is one thing more which we begg leave to lay before your Excellcy. (to wit) the ill treatment the Grand Jury of this Province met with at the sitting of the last General Court at Edenton from William Smith Esqr., Chief Justice, who told the Grand Jury they were perjured and wondered they would not find a bill of indictment against Mr. Tho. Shervin of Edenton when the matter was so fully proved to them, and publicly ordered the Attorney General to bring all things before him by information for that he would trust nothing with such men, and moreover told Mr. William Mackey, a responsible freeholder, and then one of the petty Jury that he would perjure himself for a shilling, these are proceedgs. never before heard of in this Province and altogether contrary to the liberty of a British subject and to the power and priviledges of Grand Jury's. This we hope will be worth yr. Excellcy's while to redress, seeing it immediately tramples liberty undr. foot etc. *Endorsed*, Reed. (from Capt. Burrington), Read 14th Oct., 1735. 2 $\frac{3}{4}$  pp. [*C.O.* 5, 294. ff. 212-213 v.]

Oct. 14.  
Whitehall.

**134.** Mr. Popple to Mr. Willes. In pursuance of letter of 4th Sept., encloses letter from the late Governor of N. Carolina upon the Blank patents there. Requests him to return the letter, and to meet the Board on Thursday next etc. [*C.O.* 5, 323, f. 112.]

1735.

Oct. 16. **135.** Governor Mathew to Mr. Popple. *Encloses* in a box, St. Christophers. Minutes of Assembly of St. Christophers, Jan. 26, 1730—Sept. 5, 1733; of Antigua, March 15, 1733—March 21, 1734; of Nevis, Aug. 24, 1730—Feb. 26, 1733, and April 29—June 21, 1735, of Montserrat, June 25—Aug. 14, 1735. Also an Act of St. Christophers, *for the reviving of an Act to oblige all owners, renters or possessors of slaves to send a proportion of their slaves to work on the fortifications etc.* Also papers for the Board in obedience to their orders of 17th June. Also a transcript of all the laws of Nevis 1714—1735. *Signed*, William Mathew. *Endorsed*, Recd. 16th Read 21st Jan., 1735.  $1\frac{3}{4}$  pp. [C.O. 152, 22. ff. 38, 38 v., 41 v.]

Oct. 16. **136.** *Same* to the Council of Trade and Plantations. *Encloses* St. Christophers. following in obedience to order of 17th June. *Continues* :—But I pray leave to observe to your Lordships that St. Christophers has been at a further expence, not mentioned in the within accompts, in fortifying that island, and which is not to be accounted for in Antigua and Nevis, nor in Montserrat separately from the accounts of those three islands now sent, because the method in those islands is to include the expence of negro labour in the amount of the several taxes rais'd. But 'tis not so in St. Christophers, where the inhabitants are by law oblig'd to furnish a quota of their negroes to the fortifications without being accounted to or paid for such negro labour out of the Treasury. So that I humbly offer to your Lordships that the value of such labour for ten years past be added to the account now sent for St. Christophers, and by the most exact computation I can make it has not, at an average for those ten years, amounted to less than (vizt. for 160 negroes communé a day at eighteenpence a day each for four years, part of the ten, to finish the fortifications that had been continually worked at for the five preceeding years) the summe of fifteen hundred pounds p. annum this currency for the whole ten years, etc. *Refers* to fortification of Nevis referred to in preceding, "which I hope will hereafter preserve that island from a total conquest, secure the women and children and best effects, and encourage the people to a vigorous defence. I have laid out the works for this purpose at a place call'd Sadle Hill" etc. *Signed and endorsed as preceding.*  $2\frac{1}{2}$  pp. *Enclosed*,

136. i. Account of Powder Money, Antigua, 1725—1734. *Endorsed*, Recd. 16th, Read 21st Jan., 1735. 1 p.

136. ii. Account of money raised in Antigua, 1725—1734. *Totals*, Duty on liquors imported, £20,829 15s. 9½d.; tax on land, £3,639 15s. 9½d.; tax on slaves, £29,997 11s. 9d.; house tax, £1,069 1s. 4½d.; tax on sale of goods imported by transient traders (1725 only), £1,347 11s. 7½d.; tavern and punch licences, £2,487 17s. 10d.; tax on export of produce (1728 and 1729 only), £2,260 13s. 6d.; tax on billiard tables, £300. *Total*, £61,932 7s. 8d. *Endorsed*, Recd. Read, Jan. 1735. 2 pp.

136. iii. Acts of Antigua laying taxes or duties 1725—1734. *Endorsed*, Recd. 16th, Read 21st Jan., 1735. 2 pp.



1735.

136. iv. List of Acts in force in 1731, and passed since, laying duties or impositions on trade and shipping of Great Britain, and of duties now payable on import or export of negroes, armes etc. or any goods and shipping. *Endorsed*, Recd. 16th, Read 21st Jan., 1735. 1½ pp.
136. v. Account of money raised in Nevis 1725–1734 inclusive. Tax on negroes, £11,478 18s. 6d.; duty on liquors imported, £1,171 3s. 10d.; exported £48 6s. 11d.; liquor licences, £240 18s. 6d.; fines, £103 8s.; duty on tonnage of vessels, £169 17s. 4½d.; duty on sugar exported, 1729 only, £508 9s. *Signed*, Edwd. Bridgwater, Treasr. Oct. 1, 1735. *Same endorsement*. 2 pp.
136. vi. Account of powder duty and small arms, raised in St. Christophers, 1725–1735. *Signed*, Mansell Frank, Depty. Secr. *Same endorsement*. 4 large pp.
136. vii. List of laws in force, St. Christophers 1731, laying duties on trade and shipping. *Signed and endorsed as preceding*. 2¾ pp.
136. viii. Account of money raised in Montserrat 1725–1735. Total, £12,310 14s. 4d. *Same endorsement*. 2 pp.
136. ix. List of laws in force, Montserrat, 1731, laying duties on shipping of Great Britain, and imports of negroes, liquors, and goods. *Same endorsement*. 1 p. [C.O. 152, 22. ff. 39–40 v., 43, 44 v.–47 v., 48 v., 49 v., 50 v., 51 v.–58, 65 v., 66 v.]

Oct. 17.  
Whitehall.

**137.** Council of Trade and Plantations to Lord Commissioners of the Treasury. Enclose accounts of incidental charges of the Office, Midsummer to Michaelmas, and request payment for one quarter's salaries now due. v. Journal. [C.O. 389, 37. pp. 365, 366.]

Oct. 17.

**138.** Memorandum by the Trustees for Georgia etc. That the Duke of Newcastle could signify to the Lt. Governor of S. Carolina that H.M. had confirmed the Act *for maintaining the peace with the Indians etc.* ¾ p. *Enclosed*,

138. i. Order in Council April 3, 1735, confirming and quoting Act referred to in preceding. *Signed*, Temple Stanyan. *Copy. Printed by John Basket*. 11 pp. [C.O. 5, 654. ff. 18, 20–25 v.]

Oct. 18.  
Connecticut,  
Hartford.

**139.** Governor Talcott to the Council of Trade and Plantations. Replies to request for return of duties laid on British trade and shipping etc. In 1731 the only Act of the kind in force was an Act *concerning free trade*, by which a duty of 12s. 6d. on every £100 of goods imported into this Colony was levied: which Act was explained by an Act of our Assembly in the fourth year of King George the first to be only on goods imported on the neighbouring provinces. Also an Act past by the sd. Assembly in the ninth year of King Charles the first laying a duty of fourpence pr. gallon on rum imported into this Government in vessels not

1735. [139]

belonging to any of ye inhabitants of this Colony and of three-pence pr. gallon when imported in vessells belonging to the inhabitants of this Colony which Acts are lying before your Lordships in the Law-book of this Colony lately transmitted to you. And since ye time above-mentioned no law has been passed laying any duty in any of the cases mentioned by your Lordship etc. *Signed, J. Talcott. Endorsed, Recd. 12th April, Read 20th Oct., 1736. 1½ pp. [C.O. 5, 1268. ff. 206, 206 v., 210 v.]*

Oct. 20.  
Spanish Town.

**140.** Mr. Concanen (Attorney General, Jamaica) to the Duke of Newcastle. Hitherto I have given your Grace, but little trouble by letters from hence, because I know too well the vullue of your Grace's leisure to think much of it ought to be taken up in peruseing my observations. But an affair has lately happened upon which it would be allmost criminal in me to be silent, and therefore I unfold it to your Grace without further apology. About the beginning of September last, one Mauritius Vale, a person of figure and consequence in this country was convicted of a murder and received sentence of death accordingly. From what is to follow my Lord, you'll see the necessity of my saying (as the truth is) that the conviction of this person was owing to my doing the duty of my office, without favour or fear. For the people in general were as much surprized to see a man in my station act in earnest upon such an occasion as pleased at the proof that an Assembly man, and one of much land, could be brought to the gallows for any crime whatsoever. And the tradeing folks were so transported (for the person murdered was a merchant) that I received their publick thanks, since the tryal, particularly the Bristol men's, in a manner, neither inconsistent with my honour nor profit. But this, my Lord, is a kind of digression. The late President, Mr. Ayscough, was upon this in furious haste to secure the forfeiture to his family; and immediately ordered a grant of the houses, lands and negros (which Vale held, and which were forfeited by his attainder) to be made ready for the Great Seal, in favour of his own son Mr. Thomas Ayscough. These houses, lands and negros at a very low computation are worth about fifteen hundred pounds. Now, my Lord, by the course of business here, all orders for grants and patents must be brought to the Attorney General who thereupon writes a warrant to the Clerk of the Patents, to make out such grant etc. before the same can be regularly pass'd. I presume the reason of this originally was, and still is, that the Attorney General might take care that no patents should pass, either repugnant to the King's Prerogative, or contrary to law. In this case, my Lord, I had some doubts from two different laws of this country, whether the President could lawfully grant away this forfeiture; and therefore took some time to consider whether or no I should sign any warrant for passeing the patent. In the meanwhile H.M. Instructions to Genl. Hunter fell in my way (by which according to the directions therein, the President ought to govern himself) among which I found a very positive Instruction that no forfeitures should be granted away till H.M. was acquainted therewith, and his



1735.

[140]

pleasure known thereupon. Upon this, my Lord, I absolutely refused to sign the warrant for this Patent, tho several arguments of several kinds and by several persons, as also some menaces, were used to induce me to do it. The consequence of this was, that the President being sick, and his friends apprehending the loss of this morsel, they prepared a patent, and fix'd the Great Seal to it without more ceremony. This I am told was done in his presence; and his name wrote by one of the company at the lower end of the patent, at a time when he was hardly capable of giving directions for so doing. However the Clerk of the Patents refused to put his name (according to the course here) for want of my warrant: and thus the grant was perfected, tho the patentee is now in actual possession of the premisses. I thought myself obliged to inform your Grace of this matter, to the end that H.M. Instructions may in some measure be fulfilled by H.M. being apprized of this forfeiture (because the present President may perhaps overlook it, as not happening in his government) and to the end that your Grace may be satisfied, that if it shall be H.M. pleasure to grant this forfeiture to any other person the present mock patent may very easily be vacated. If your Grace was to hear how H.M. Instructions have been treated here, I am sure it must fill you with indignation. The common expressions upon this occasion being *Factum valet, quod fieri non debuit*; and when the King finds Mr. Ayscough in England, he may punish him for the breach of his Instructions. I will make no reference from hence, but hope that I shall see no more commanders of this Island, whom we may not expect to find in England, if they deserve to be called to an account. For my part, my Lord, I own I have in view by this lettr. the recalling to your Grace's memory, a person to whom you was once so good as to promise your Grace's protection, while he continued to deserve it. And I therefore humbly beg leave to put your Grace in mind of the condition I was lately in here for refusing to do what I thought a breach of my oath and my duty. For if Mr. Ayscough had not, luckily for me, died at the time he did, I was irretrievably condemned for that single crime of non-feazance, to be suspended from my office, and put to the fatigue and expence of a voyage to England to sue for justice before H.M. in Council. After begging your Grace's pardon for this long letter, I will conclude that from what I have heard and seen; I mean of our great men in this country; I know not how soon I may be compelled to wait at your Grace's door in hopes of that protection, which it shall be the ambition of my life to deserve; but your Grace may rest assured, that while I live, I will never come with any case that may shame my Patron. And I doubt not if justice and integrity appear to vouch for me, I shall be nevertheless notic'd by your Grace, tho I am your Grace's poor but dutifull servant. *Signed*, Mat. Concanen. 3½ pp. [C.O. 137, 55. ff. 211-212 v.]

[Oct. 21.]

**141.** Representation of the principal inhabitants of North Carolina, dwelling at Cape Fear River and the parts adjacent, to the Council of Trade and Plantations. *State case* of themselves

1735. [141]

and others, who claim land by virtue of grants under the seal of the late Lords Proprietors. *Abstract.* Their first terms of granting lands being found too hard, the Lords Proprietors empowered Governor John Archdale, about 40 years ago, to sell land at £20 pr. 1,000 acres, with 1s. per 100 acres rent, but for land that lay above 100 miles from Charles Town, at £10 pr. 1,000 and 6d. pr. 100 rent. This method was followed until the arrival of George Burrington, H.M. Governor, in Feb. 1731. Divers of the subscribers hold lands on the latter terms, others have paid to the Receiver General £20 pr. 1,000 sterl. with 1s. pr. 100 rent, these latter grants being agreeable to warrants since the Proprietors raised the price of their lands *etc.* They never imagined that any disputes would arise concerning grants issued before the arrival of Governor Burrington, conceiving that, until new orders should come from H.M. the acts of the Governor and Council, being no other than what was accustomed, would remain valid. H.M., by his Instructions to Governor Burrington directed only an account to be taken of such land as had been granted since H.M. purchase, that such orders might be given as should be thought convenient *etc.* As the purchase money arising by grants issued since July, 1729, the time of H.M. purchase, was applied by order of Govr. and Council to defray the charges of running the boundary with Virginia *etc.*, we make not the least doubt, but that H.M. will be graciously pleas'd to direct, that the possessors of those lands may hold the same on the terms in the several grants mentioned *etc.* This hope is strengthened by the fact that the money arising from such grants was paid to the Receiver General, and by him applied by order of the Govr. and Council *etc.* *Continue* :—We do not only find the grants beforementioned like to be disputed ; but to our great astonishment, those grants that were issued before H.M. purchase are like to be called in question : altho' by the tenor of the Act of Parliament by wch. H.M. purchas'd, all such lands are accepted as passed the seal of the Province. The calling these grants in question, is what we gather from the purport of the Quit Rent Bill as amended by the Council, and one other Bill propos'd by the Council, as also by sundry proclamations and advertisements, and the erecting a Court of Exchequer *etc.* As the interest of so many of the inhabitants was concerned *etc.*, several mesne conveyances having been passed from such grants *etc.*, we thought it our duty to apply to H.E. that no farther proceedings might be had, until we had the opportunity, by applying to yor. Lordships, to procure a more favourable interpretation of the royal instruction, *etc.*, which being granted by the Govr., pray the Board to judge their case *etc.* *Continue* : We thought ourselves exceedingly happy in being more immediately under H.M. Governmt. *etc.* ; we expected that the lands would have been granted on the same terms *etc.* as in Virginia : the lands in that province being much more valuable (occasioned by the good navigation) than it's possible they will ever be in this, where the navigation is so bad, and the land, in general, much worse. Instead of this, we find the rents not only enlarged for the future and much larger fees taken than ever were heretofore ; but an



1735. [141]

attempt made here (as we think contrary to the royal intention) to vacate those grants that were pass'd before H.M. purchase *etc.* *Continue* : The principal objections that we think are possible to be made against the validity of the grants may be reduced to two heads, vizt. first, the want of power in the grantors ; second the frauds, or injuries committed by such grants. As [to] the first ; besides what has been before expressed *etc.*, the notoriety of the Land Office being shut (as is sometimes urged here) is not so in fact ; it having always been the received opinion, that were the monys required by the Proprs. paid, or an equivalent thereto, as divers of their instructions intimate, grants were to pass of course *etc.*, *etc.* Concerning the second, that much talk hath been made *etc.* touching blank patents, and orders sent for an enquiry into such frauds. This has produced a regular enquiry before H.M. Governor at the Council table, to wch. the Secretary (whose business it has always been to be prepared with proper vouchers for his issuing grants) made an answr. to the full satisfaction of H.M. Govr. and Council ; and since the arrival of the prest. Governor proclamations have been issued ; persons appointed to enquire into frauds, courts erected and held, and other methods used, but not the least sign of any fraud has appeard. *Represent* the method that has been used, (time out of mind) in issuing grants. Blank grants were lodged in the Secretary's office, which the Secretary caused to be fill'd up, as they were demanded ; if the lands were taken on arrival of rights vizt. 50 acres for each person that came to settle in this Province, the Secretary kept the proof of such rights or enter'd it under the grant of his voucher ; if on purchase, then the Receiver General's recpt. Something was offerd about the year 1718 to prevent the signing blank grants as usual, but at a Council held — 1718, Mr. Eden being Governor and Mr. Knight Secretary, it was then the unanimous opinion of ye board that grants should be signed blank *etc.*, and this without the least view or intention of fraud, nor can we well conceive how a fraud could be committed, without its being very easily detected, in regard the Secretary, if call'd upon, was to produce his vouchers ; and it would be very easy to detect such fraud, if any, by comparing the records in the Secretary's office, with the Receiver Genl.'s accots. *etc.*, *etc.* *Continue* :—The frauds may be of two sorts, the first respecting the monys paid or numbers of acres granted : the other in case those grants were fill'd up for lands justly claimed by other persons : and as so much had been made at the last Assembly both within dores and without : some who were members of Assembly being very desirous that such abuses should be detected, propos'd two clauses to be added to the Quit Rent Bill, the one to vacate all such grants as had been issued without the number of acres incerted, and such as the purchase mony had not been truly paid, and in that clause the most effectual method was propos'd to make the discovery by interrogating the partys and examining witnesses on oath before the Governor and Council or in any other Court he should appoint ; the other clause was to vacate all such grants, how regular so ever issued, that had been

1735.

[141]

laid on land justly claim'd by others : by those two clauses added by the Assembly, frauds, and injurys of any sort would have been effectually remedied. But those two clauses were rejected by the Council without any offer of amendment in case they had been thought in any part defective *etc.* *Discuss* the essential forms of grants. *Continue* :—As to frauds in blank grants being issued in such a manner as to leave the party possessing them room to incert more acres than were intended, we solemnly declare, we know of no grants issued without the numbrs. of acres, and purchase mony incerted, nor do we believe any such has been other than what is mentioned in that transaction wch. was before the Governor and Council conformable to H.M. royal instructions to Governor Burrington ; thereto the Secretary made such answr., as the Govr and Council unanimously acquitted him. We are informd, that it is suggested some blanks are still extant, but as we know of none, so we think were there any such, the frauds by them committed *etc.* will be very easily discovered by the method proposed by the late Assembly. We surely trust yr. Lordps. will not be of opinion, that because there is a possibility (and we think it is but barely such) of frauds that may be committed ; therefore all promiscuously shall be vacated *etc.* *Cannot believe* that their Lordships would use vacate grants on these grounds as a view to increasing H.M. rents *etc.* The gainful prospect of a great number of fees to the several officers on issuing new grants may have been a motive for the stir made in this matter *etc.* *Understand* that suggestions have been made in England of very great quantities of land held in an illegal and clandestine manner, “and particularly that Col. Morris Moore and Roger Moore, Esq., have each one hundred thousand acres. A wicked and untrue suggestion, so far from truth that upon the best enquiry we can make all the inhabitants of this river do not in the whole hold one hundred thousand. We the subscribers who are the principal inhabitants, upon a strict examination find, that ourselves and those our relations and friends do not hold or claim by our grants more than about seventy-five thousand acres of wch. about twenty thousd. are since H.M. purchase, and even of those before the purchase about fifteen thousand are so wretchedly poor, that we shall readily part with them, rather than hold them on a higher rent than our grants specify, and as our familys and those under our care consist of near 1,200 souls yr. Lordps. will easily discern how much the settlement of this place, and the increase of its trade is owing to us ; so that were the lands given to us clear of any rent, H.M. would be no looser seeing so great an increase of his revenue has been promoted by the settlemt. of this place, and the encouragmt. the trade has met with from us and our friends without which even at that time scarce one vessell in ten would be timely dispatchd. *etc.* *Do not hold so much land as H.M. officers claim to hold by themselves and their friends, one tenth of their number.* *Signed,* John Porter, Edwd. Hyrne, Jno. Swann, Sam. Swann, Jo. Davis, M. Moore, Thos. Jones, Nathl. Moore, Jn. Davis. *Endorsed, Recd.* (from Mr. Wragg), Read 21st Oct., 1735. 6 $\frac{3}{4}$  large pp. *Enclosed,*



1735.

141. i. Copy of two clauses proposed to have been inserted in the Quit Rent Law, N. Carolina. *v. preceding. Same endorsement.* 1½ pp. [C.O. 5, 294. ff. 225-229 v., 230 v., 231 v.]

Oct. 21.  
Barbados.

**142.** President Dottin to the Council of Trade and Plantations. I am honour'd with your Lordships' commands of the seventeenth of June last directing me to transmit as soon as possible an account of the amount of the money which has been raised in this Island, by any dutys or impositions on the importation or exportation of negro's, wines, or any other goods or merchandizes, or by any other taxes payable by or collected upon the inhabitants of this Island for ten years last past *etc.* together with an account of what laws were in force here 25th March, 1731, and what laws have been since pass'd by which any dutys or impositions are laid on the trade and shipping of the Kingdom, as likewise an account of what dutys or impositions are now payable by any Act or Acts of Assembly in this Island on the importation, and exportation of negroes, wines or other kind of liquors, or any goods, wares or merchandize, and shipping, *etc.* I have in obedience to your Lordships' directions taken all possible pains to get the best information I can relating thereto, and humbly beg leave to refer your Lordships to the accounts herein inclosed, which I hope will be satisfactory for the purposes they are wanted, and as it will thereby plainly appear what very large sums have been annually raised here to the great impoverishment of the planters who are now exceedingly reduced, I doubt not but that there will be some care taken to preserve the trade of this Island, and save the inhabitants from the ruin they are threatned with, occasioned by the low price of their staple produce, which chiefly proceeds from it's being confined to a home consumption, and the heavy dutys laid thereon, while our neighbours the French, by the advantage of a direct exportation, easy dutys, and a freedom of trade have greatly enrich'd their settlements, and added a considerable advantage to that kingdom, but as I intend soon to take the liberty of troubling your Lordships with an enquiry that has been made concerning the trade and settlement which has been encouraged by the French in the adjoining Islands, I shall not now take up your Lordships' time by enlarging thereon. Your Lordships will observe that I have taken the liberty of adding to the accounts you directed me to send, another account of the annual expence of the Government of this Island, with the amount of the publick debts now remaining due and unpaid, which indeed appears to be a very large sum to be raised from a trade so greatly declined, and a people so poor, and I am inform'd the publick credit is now at so low an ebb that the matrosses are by their necessitys obliged to part with an order on the Treasurer for twenty-five pounds for no more than seven pounds being the most that they can get for it, and to me it seems a thing not to be thought of, to lay more taxes on the inhabitants for payment of these debts, when experience convinces us how unable they are to

1735. [142]

answer their present levys, and it is manifest there is not running cash in the Island to carry on the present small trade thereof. I have taken the liberty of making some remarks on the accounts and of the laws now in force laying any dutys or impositions on the trade and inhabitants of this Island, which I hope will not be deemed altogether improper, and should have represented the five Acts your Lordships have been pleased to mention that his late Excellency recommended to be repealed to your consideration for that purpose, they being thought by the merchants and traders to be cramps on trade, but I have so very lately received your Lordships' directions to take the opinion of the merchants and planters on that affair that I shall omit adding anything further thereon at present. This Island is very much obliged to your Lordships for your favourable report to H.M. concerning the ordinance and arms to be sent hither; and I shall not fail after their arrival to acquaint your Lordships of our receiving them, tho I am sorry to be inform'd we are to have no small arms unless security is first given for payment of them, which truly the Island cant possibly do, and I hope will on further consideration not be insisted on for the reasons I took the liberty formerly to mention. It is almost incredible to conceive how very large sums of money have been raised from the four and a half p. cent. duty paid on our produce, and had that been collected with the least expence, and applyed to the uses for which it was intended when granted, this Island might have been now in a very good posture of defence as to it's fortifications and stores, and probably been clear of debt, whereas I am inform'd tho so very large sums have been raised therefrom the clear profit going into the Exchequer has been but small, and had the officers, instead of paying themselves here their own salaries in the manner they have done, been obliged to remit the whole collection home and had annually their salaries and expences sent them from England hither in commodious peices of silver to pass in payment for something more than their real value, that method it is conceived besides adding a much greater ballance to the Crown, wou'd have occasion'd a currency of cash here by keeping that money in the Island which is now carryed from it. The French Colonys, I am informed, have felt very considerable advantages by this method, their King having sent them such silver to pay off his officers and to lend the planters in time of need, which is in a small proportion of less value than a regal or a bit, but they pass currently as such and are stampd particularly for these occasions. I must beg your Lordships' pardons for taking up so much of your time and shall only add that as there has lately happen'd a vacancy in the Council here by the death of Colo. Terrill, I thought it my duty to mention it and shall be extreemly obliged if your Lordships will do me the favour of recommending to H.M. Abel Dottin, Esqr., who is a gentleman every way qualified to fill up that vacancy. I cou'd enlarge greatly on his character and abilitys were he not my nephew, tho' I cant help saying thus much that no person in the Island can possibly be recommended more worthy of that station, and who can and will discharge the dutys thereof with greater



1735. [142]

sufficiencys *etc.* Signed, James Dottin. Endorsed, Recd., Read 8th Jan., 173 $\frac{5}{8}$ . 3 $\frac{1}{2}$  large pp. Enclosed,

142. i. Account of money raised by duties and taxes, 8th Feb., 1724—13th Sept., 1735. *Totals*: (apart from powder duty) 1725, £26,709 0s. 8 $\frac{1}{2}$ d.; 1726, £32,262 4s. 11 $\frac{1}{2}$ d.; 1727, £31,057 2s. 3 $\frac{1}{2}$ d.; 1728, £28,458 6s. 1 $\frac{1}{2}$ d.; 1729, £18,333 17s. 0 $\frac{1}{2}$ d.; 1730, £22,231 13s. 3 $\frac{3}{4}$ d.; 1731, £15,434 16s. 6 $\frac{1}{2}$ d.; 1732, £13,062 12s. 3 $\frac{3}{4}$ d.; 1733, £11,088 6s. 5 $\frac{1}{2}$ d.; 1734, £10,353 6s. 10 $\frac{1}{2}$ d.; 1735 (13th March—13th Sept.), £5,186 16s. 0d.

142. ii. Annual expenses of the Government (Officers, Courts, Matrosses *etc.*) £5,901 6s. 8d., besides Governor's salary and casual expenses. Mr. Worsley's salary was annually £7,800; Lrd Howe's, £400. Orders on the Treasury now unpaid amount to £23,143 12s. 2 $\frac{1}{2}$ d. 7 $\frac{1}{2}$  large pp.

142. iii. Account of laws in force March 25, 1731, and laws since passed laying duties on trade and shipping of Great Britain, negroes, imported or exported, wines, goods and shipping *etc.* 5 large pp. Nos. ii and iii endorsed. Recd., Read 8th Jan., 173 $\frac{5}{8}$ . [C.O. 28, 24. ff. 135-136 v., 138-144, 145 v.]

Oct. 21.  
Barbados.

143. President Dottin to the Duke of Newcastle. Recommends Abel Dottin for Council as in preceding covering letter. Signed, James Dottin. 1 p. [C.O. 28, 45. f. 335.]

Oct. 23.  
Boston.

144. Governor Belcher to the Duke of Newcastle. Refers to letter of Aug. 19. *Continues*: I have had an interview with them [*i.e.* the Western Indians], I think to their satisfaction, and to my own, as I judge it will be for H.M. honour and service, in bringing those tribes into a better subjection to the British Crown, and thereby lengthen out the peace of these Provinces with those Nations *etc.* Signed, J. Belcher. Enclosed,

144. i. Conference, held at Deerfield, N.H., 27th—30th Aug., 1735, between Governor Belcher and the Chiefs of the Cagnawaga, Houssatonoc and Scautacook tribes of Indians, and some St. François Indians and Moheegs. Printed. 19 pp. [C.O. 5, 899. ff. 177, 177 v., 179-188.]

Oct. 25.  
Albrohatch.

145. Mr. Bladen to the Duke of Newcastle. In the year 1710 there passed an Act of Assembly in South Carolina, constituting an officer called the Vendu Master, and by a clause in the same Act, of which I take leave to send your Grace a copy, the nomination of that officer was placed in the Governour of that Province for the time being; and the late Governour Mr. Johnson, at my request, bestow'd it upon Mr. Badenhop, a nephew to Monsieur Payzant, and an old servant to my Lord Gallway. I have been informed that application has lately been made to your Grace, to bestow this employment upon some other person; but as Badenhop is a very honest poor man, and in possession of that office by a proper constitution, I humbly intreat your Grace not to remove him, and I shall add your favour herein to the many

1735. [145] obligations I already owe you *etc.* *Signed*, Martin Bladen. 2 pp. *Enclosed*,

145. i. Clause for Act of S. Carolina, 1710, for appointing a public *Vendu-master etc.* 1 p. [C.O. 5, 388. ff. 131, 131 v., 133.]

Oct. 27.  
Whitehall.

**146.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations. *Signed*, W. Sharpe. *Endorsed*, Reed. 14th, Read 18th Nov., 1735. 1 p. *Enclosed*,

146. i. Petition of William Hodgson to the King. *Abstract*. The late Lords Proprietors of Carolina granted petitioner in 1715 four baronies annexed to his title of Landgrave, and also baronies annexed to his title of Cassique. He registered his patent in Carolina, and has been at great expense in getting several parcels of land admeasured and planned out. But H.M. late Governor of S. Carolina would not permit him to run out the rest, although he has not been guilty of any neglect or forfeiture of his patent, neither could he have his plans registered sooner, in regard the Land Office was shut up soon after the grant, and immediately after the same was opened he applied to H.M. Governor *etc.* Petitioner intermarried with a sister of the late Lord Craven, a Lord Proprietor *etc.* Prays that his claim may be examined and instructions given to the next Governor accordingly. *Copy*. 1½ pp.

146. ii. Copy of Landgrave Hodgson's grant, April 1715, referred to in preceding. *Latin*. 1¼ pp. [C.O. 5, 365. ff. 8, 9, 9 v., 10 v., 11, 12.]

Oct. 27.  
Whitehall.

**147.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report thereon. *Signed*, W. Sharpe. *Endorsed*, Reed. (from Mr. Furie), Read 31st Oct., 1735. 1 p. *Enclosed*,

147. i. Petition of George Morley, Provost Marshal, S. Carolina, to the Queen in Council. *Abstract*. Holds his office by assignment of H.M. letters patent. Has been at great expense in going over and putting the office into order. There is no salary attached, and, there being no provincial gaol, petitioner has been obliged to fit up a house for that purpose at his own cost. The profits are very small, though the trust is great. Prays for an allowance out of the quit-rents *etc.* *Signed*, Geo. Morley. *Copy*. 1½ pp. [C.O. 5, 365. ff. 5, 6, 6 v., 7 v.]

Oct. 27.  
Whitehall.

**148.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their opinion thereupon. *Signed*, W. Sharpe. *Endorsed*, Reed. 12th, Read 17th Dec., 1735. ¾ p. *Enclosed*,

148. i. Memorial and Proposal of the Merchants of London, Bristol and Liverpool and others trading to and interested in H.M. Island of Jamaica, to the King. The said



1735. [148 i.]

Island being by its situation, in a manner surrounded by the settlements of France and Spain, is in time of warr with either or both of those Nations, in danger of being taken and plundred, and lyable to have its trade and navigation annoyed and interrupted by the French and Spaniards ; but capable, if well peopled, with assistance of your Majesty's ships of war stationed there and by privateers belonging to the Island, not only to distress and plunder the French and Spanish settlements, but to annoy and interrupt their trade to and from the islands of Hispaniola and Cuba, Carthagenia and Portobello, and other the ports of the Main, on the North side of New Spain. The produce of the said Island itself, in sugar and other commoditys, has been computed for many years past, at upwards of £700,000 a year ; one part of which is sent from thence to your Majesty's Northern Colonys in America, as well as another part consumed in the Island but much the greatest proportion of its produce is imported into this Kingdom *etc.* *Quote report of Council of Trade to House of Lords, Jan. 1735.* Besides this, the situation of the Island intirely occasions a very great trade to be carried on by the South Sea Company or Assientists and other your Majesty's subjects with the Spaniards and others for negroes, provisions and other manufactures, whereby considerable quantities of silver and gold, cochineal and other dyeing goods *etc.* are brought annually into this Kingdom, to a very great value. The Island is capable of producing double the quantity of sugar and other the commoditys it does at present were it fully settled ; and one great reason that the Island is not better peopled and settled is owing to several persons having, or being in possession of great tracts or runs of land and either refraining to settle them themselves or refusing to sell them to persons who would settle them *etc.* *Quote report of Council of Trade, Jan. 1735.* *Continue :* The number of white people capable of bearing arms, who have been always looked upon as the greatest security of the said Island, is now much less than at any time for more than forty years past and are daily decreasing insomuch that, by the best information your Memorialists can obtain, they are not 2000, at this time, and the Lords of Trade observe that " the Island is more destitute than ever of white inhabitants whereas the negroes are upwards of 100,000," whereby the inhabitants are in the greatest danger, not only from the negroes *etc.*, but also upon a rupture with France and Spain *etc.* Unless some immediate and effectual incouragement be given, and steps taken, for procuring the welfare and safety of the said Island *etc.*, it must unavoidably fall a prey, sooner or later, to a foreign or intestine enemy. Therefore *etc.*, it is humbly proposed, That your Majesty will be

1735. [148 i.]

graciously pleased to instruct the Governor of Jamaica to recommend to the Assembly to exert themselves in doing everything in their power for the better peopling and settling the Island, and particularly, *First* to pass a law free from all and every the inconveniencys or clogs of any former laws passed for this purpose, whereby all persons may be divested of those extensive tracts of land which now lye uncultivated, by the reassuming those antient grants that have hitherto been useless, even to the owners as well as to the publick ; and that no part or parcel of such tracts of land so re-assumed, shall be granted to any person or persons, but only such persons that may have a plantation already settled, and adjoining to any such land re-assumed, and shall want land for the enlarging such plantation only ; or to such persons as shall be new settlers in or new comers to the Island and to no one person more than — acres, with a proviso in the said grant, that unless one-third or more of the land so granted, be cleared of wood, and planted, either in provisions or some of the product of the Island within — years the same to revert to the Crown. *Secondly*, the making provision by raising a sum of money, to incourage, for a term of years, all persons who shall transport themselves to the Island by providing every such person so transporting himself at his own expence, or transported at any other person's expence (not an inhabitant of or who has an estate or plantation in the Island already) within such space of time, with provisions and necessarys for the term of one whole year from the time of their severally obtaining grants of land, in order to their settling and becoming fixed inhabitants in the Island. *Thirdly*, whereas by an Act *for regulating servants etc.* 1682, it is enacted, that “all and every master or masters of slaves for the first five working slaves shall be oblidged to keep one white man servant, and if the number increases to ten, two, and for every ten after, one.” And whereas such Act was repealed by an Act *to incourage the importation of white men etc. quoted*, and whereas the said Act is tacitly repealed by an Act now in force, and generally passed annually, whereby it is enacted, “that every owner of negroes not keeping one white man or woman, white boy or white girl, fourteen years old at least, for every thirty slaves shall pay *etc.*” Therefore that every owner of negroes shall be oblidged by law, to keep a white man or woman for his every first ten negroes, two for his first twenty, and one for every twenty after or pay a certain sum in default, and that it be provided by law, that a register be taken of all the negroes that are at this time tradesmen or handicrafts of any kind, boat, canoe, or wherry men in the Island, and that only such negroes shall be employed in any trades, boats or



1735. [148 i.]

wherrys, as shall be register'd, and that no negroes shall be brought up to any trades, or to be wherry, boat or canoe men for the future.

These articles your Memorialists imagine, from their information of the conduct of some former Generall Assemblys, may not be so readily come into by many Gentlemen who may compose as well the Council as the Assembly of the Island ; therefore they think proper to observe to your Majesty on the occasion that the expence the Island will be at in encouraging and increasing new settlers, and indulging and cherishing new comers, by giving them land, and providing them with provisions and other necessarys will be amply made up to the present owners of plantations, by raising the value of their estates in proportion as it will render them so much more secure : and that the charge of keeping a white man or woman, in proportion to the negroes mentioned, will be sufficiently made good to the planters in the advanced price of the product of their plantations, or the freight of it to Great Britain. If it be but considered that the negroes who may be intended for tradesmen, will answer to the planter near as much by working in the feild with the hoe etc. as the charge of the white tradesmen, as also that a greater number of white people in the Island will necessarily occasion a greater consumption of all kind of manufactures and provisions : that the greater the Island's demand shall be for all kind of manufactures and provisions, the greater will be its trade, and consequently, the greater number of merchants will exercise commerce to it, which will necessarily render all sorts of merchandize cheaper than otherwise in the Island and always occasion an increase of shipping to it which will ever be attended with the product of the Island being more wanted, and selling at a much higher price : and that, as it will certainly follow that there will be an increase of new settlements and people the publick taxes necessary to be raised will consequently soon be lessned to the present inhabitants by their living not only a greater number of persons to pay towards such taxes as shall be necessary to be raised on the inhabitants directly, but also a very great increase made to the revenue by the dutys of import and export settled for the support of the Government, which revenue, tho' some additional impositions were laid some years ago on several commoditys imported and exported has produced for many years much less than it did many years ago, cheifly owing to the decrease of the white inhabitants etc. Were what is here observed fully considered, and the false and narrow notions laid aside in general, such as that the importations and exportations of commoditys should be confined to one or two ports and all others be discouraged, which must necessarily

1735. [148 i.]

put many of the planters to a great expence in carrying their product to market and occasion all other necessarys and requisits for planting to come dearer to them ; and that the product of the plantations will sell the better, the fewer the settlements in the Island which has induced so many persons to ingross such great tracts of land, or that the raising money for the support of the Island by taxes on trade and navigation or imported commoditys and shipping, which is a great discouragement to traders sending their effects and ships to the Island, will ease their landed estates, which are all pernicious notions, and would they fall upon doing something among themselves for the increase of people and better settlement of the Island, not only their own interest would be ye better secured but the interest of their Mother country grately promoted *etc.* *Propose that* H.M. Governor be instructed to acquaint the Assembly that, in case they shall comply with these several things so much for their own interest *etc.*, H.M. will not omit taking the first opportunity after your Majesty is informed of their compliance of recommending to the Parliament of Great Britain the giving assistance to the inhabitants of the Island, by the making effectual provision for the incouraging a considerable number of persons to transport themselves and famillys to Jamaica to become settlers and fixed inhabitants of the Island ; and to assure them that H.M. will take all other occasions of increasing and strengthning the Island, and incouraging the vent of sugar and all other the product of the Island. Though Memorialists conceive that the several things here proposed will, if rendered effectual, bring full security to the Island, and lessen the expence as well to this Kingdom in maintaining soldiers in Jamaica, as to the inhabitants in additional pay *etc.*, yet as they will necessarily take up a considerable space of time, from the time when H.M. shall give instructions to His Governor *etc.*, therefore they humbly presume, as well for the security of Jamaica, as the protection of the trade and navigation *etc.*, that H.M. will be graciously pleased that the ships of war already under orders of being stationed at Jamaica may be increased by such a number of proper ships as your Majty. shall upon consideration of the importance of the Island of Jamaica, and the present situation of affairs, judge proper, *etc.* *Quote from Act of 1734 for putting the Island under martial law for six months.* After the passing of the Act military law was immediately published throughout the island and upon the expiry of the time limited by the Act another law was passed empowering the President by and with advice of the Council to continue martial law for any time not exceeding three months longer to the very great surprise and infinite prejudice of all persons who



1735. [148 i.]

are either traders to or traders in Jamaica or that have debts owing to them or any kind of business to transact in the said Island, for that it does not appear by any information any of your Memorialists have been able to obtain or any of them have had by letters directly from their factors or correspondents in Jamaica that there was any real foundation for the proclaiming of martial law, and for that by the proclaiming of martial law the Courts of Justice are shut, no process can be had or proceeded upon for the recovery of any debt or demand, right or property whatsoever nor any great or considerable dealings or traffic either foreign or domestick carried on and the Governor may command the persons of any of your Majesty's subjects, as also their negroes, horses and cattle, ships and boats for all such services as he shall judge may be for the publick defence ; And whereas your Memorialists have reason to believe that after the expiration of the last mentioned Act martial law will be further continued, not only to the great prejudice of all persons trading to the island or who have debts owing them in it, but also to the great discouragement of the trade of this Kingdom and the better settling and peopling of the said island unless prevented by your Majesty's Royal Authority. Therefore they most earnestly request your Majesty that your Majesty will be graciously pleased to send immediate Directions to the Governor for the time being that he do not give his assent to any Act of Assembly to proclaim Martial Law or that he do not put martial law in force by virtue of an Act entitled *An Act for settling the Militia for the future* ; but in case of his having very particular and certain information of an invasion or a design in almost the whole or a very great number of the negroes to rise in more than one part or place of the island, by and with the advice and consent of a Council of War to be summoned for that purpose. And your Memorialists pray your Majesty to grant this their request in regard they conceive that neither by your Majesty's royal commission to your Governor, nor by the Act for settling the Militia there is any power either given, granted or vested in your Governor and others to proclaim martial law under any such pretence as the reducing, quelling or destroying any small number of rebellious or runaway negroes, especially so small a number as three hundred, which, from the best information your Memorialists have been able to obtain, are the highest number that have occasioned such uneasiness to some of the inhabitants of the Island as to induce them to empower your Majesty's Governor to proclaim martial law.

These the present circumstances of Jamaica and the hardships your Majesty's Subjects trading thither

1735. [148 i.]

labour under by martial law, with what has occurred to your Memorialists as most effectual for the relief, encouraging the trade and better settling and peopling of an island of such importance to your Maty. and all your Subjects we have humbly presumed to lay before your Majesty and are unanimously of [*opinion*] That if the Assembly shall do but their part and your Majesty shall be inabled by Parliament to give them effectual assistance by incouraging a number of persons to transport themselves to the island, that the island will be so far in a few years from apprehending any danger either from foreign or intestine enemys that it will be so increased in people and new settlements as to be able not only to defend itself from any of its neighbours without and any rebellious negroes within and to annoy in case of a rupture either the French or Spaniards in those parts but to enlarge the trade and navigation and increase the wealth and power of this Kingdom. *Signed by 128 persons. Copy. Endorsed as preceding.* [C.O. 137, 22. ff. 19, 20, 20 v., 21, 21 v., 22, 22 v., 23, 23 v., 24, 24 v., 25, 25 v., 26, 26 v., 27, 28 v.].

Oct. 27. **149.** Mr. Oglethorpe to Andrew Stone. When I looked over the papers you was good enough to send direct to me from his Grace the Duke of Newcastle, I found there all the letters to the Governors (*v. Aug. 13*), but I did not find the blank powers for appointing a Deputy to the Naval Officer and to the Vendue Master *etc.* *Requests* that they may be forwarded to him c/o H.M.S. *Hawk* at Spithead. *Signed, J. Oglethorpe. Addressed, Andrew Stone, Esq., at the Duke of Newcastle's Office etc. Seal. 1 p.* [C.O. 5, 654. ff. 26, 27 v.]

Oct. 28. **150.** Governor Mathew to Mr. Popple. *Sends* transcript of Acts of Montserrat to which he has put the Great Seal. Could not do so to several of the Nevis laws he has sent, because the Secretary had left no room. But these were attested by the Secretary. *Encloses* duplicates of two Acts of Montserrat, previously sent and Minutes of Council of that Island, June 24—Sept. 29, 1735. *Continues* :—The Council of Antigua have long been employed in settling a dockett of fees in the Secretary's Office, but that matter, on some objections I made, is still undetermined. *Signed, William Mathew. Endorsed, Recd. Feb. 12th, Read Sept. 30th, 1736. 1 p.* [C.O. 152, 22. ff. 72, 77 v.]

Oct. 28. **151.** Capt. Burrington to the Council of Trade and Plantations. Your Lordships seem'd last Thursday desirous to see a blank patent, *etc.*, as sign'd in the Council of North Carolina before H.M. purchase, and left in the Secretary's office to be compleated by him, after the Surveyor had made a proper return, and the Receiver General given his receipt for the consideration mony. Sixteen of this sort of patents, or drafts, were in the custody of Mr. Little, Receiver for the late Lords Proprietors, that



1735. [151]

were neither filled up, nor had the seal put to them : every one of them were set down in Sir Richard Everard's list of patents he sign'd after the King's purchase ; a copy of it was formerly sent your Lordships. I suppose these unfinished patents still remain among Mr. Little's papers, and when the day book I mention'd to your Lordships is required these drafts of patents may be demanded. It is very probable some may also be found in the Secretary's office ; Major Robert Foster, who was Deputy Secretary to Mr. Lovick, continues in the same employment under the present Secretary. This gentleman usually wrote the unfinished patents, and is able to give a perfect account of all that was done in the Secretary's office, and in the Council during the whole time Sir Richard Everard was Governour of North Carolina. Your Lordships (I presume) will be better inform'd of these matters, by hearing the depositions taken at Mr. Lovick's examination, and his answers, read to you then by anything I can write or say. *Signed*, Geo. Burrington. *Endorsed*, Reed. 29th, Read 31st Oct., 1735. 1 p. [C.O. 5, 294. ff. 232, 237 v.]

Oct. 28.  
Boston.

**152.** Governor Belcher to the Duke of Newcastle. Some time the last month arriv'd here Capt. Smart in the ship *Ogle* from Antigua, who in his passage met a Spanish wreck, one Carr master, out of which he took the said master and his people, and twenty-eight thousand (28,000) dollars, after this the said master order'd his ship with what was aboard her to be burnt, altho' he said she was insur'd in London ; I have therefore thought it proper to take the inclosed affidavits *etc.* *Continues* :—About a month ago put in here a French ship of 500 tuns, call'd, the *Mareschal d'Asfeldt*, one Anthony Le Roy master, from St. Domingo bound to Nantz, laden chiefly with sugar, some indigoe, but in her passage met with a severe storm, and sprung a leak, which forc'd her in hither for repairs, and I have taken care the master should have the favour and benefit of the Treaty of Neutrality, 1686 *etc.* *Signed*, J. Belcher. 3 pp. *Enclosed*,

152. i, ii. Decrees of Court of Vice-Admiralty, Boston, 13th Oct., 1735, on claims for salvage by Thomas John Smart *v.* Thomas Carr referred to in preceding. *Signed*, Robt. Auchmuty, Judge Adty. *Copies*. 2½ pp. and 1½ pp.

152. iii–v. Deposition of John Smart, Alexander Middleton and John Dabron, John Cox, and Patrick Walsh, that the Spanish ship was set on fire. Oct. 2, 1735. *Copies*. 5 pp.

152. iv. Deposition of Thomas Carr, Oct. 9. Does not know how the *Jesus Maria Joseph* came to be set on fire. His mate told him it was by accident. Does not know that the ship or cargo was insured. She was so leaky, that she would have sunk in two or three days. *Signed*, Thomas Carr. *Copy*. 1½ pp.

152. vii. Deposition of Joseph Antonio Caparo, gunner of the *Jesus Maria Joseph*. Oct. 6. The ship was set on fire by the Captain's orders. *Signed*, Joseph Antonio Caparo. *Copy*. 1½ pp.

1735.

152. viii. Deposition of Josinto Hernandes Medina, boatswain, Oct. 6. He set the ship on fire by the Captain's orders lest she should be a danger to shipping. *Signed*, Josinto Hernandes Medina. *Copy*. 1 $\frac{2}{3}$  pp.

152. ix. Deposition of Christobal Debera, first mate of above ship. Oct. 6th. He heard some of the Spaniards say the ship was set on fire. She was so far tight, after they had lost their rudder, masts and bowsprit, that upon pumping once in two hours she made little water. *Signed*, Christobal Debera. *Copy*. 1 p. [C.O. 5, 899. ff. 189-190, 191-192, 193, 193 v., 195-196, 197, 198, 199-202.]

Oct. 29.  
Whitehall.

**153.** Council of Trade and Plantations to the King. Propose for confirmation Act of New Jersey for appropriating part of the interest money etc. to the incidental charges of this Government. [C.O. 5, 996. p. 382.]

Oct. 29.  
Whitehall.

**154.** Same to Same. Offer for confirmation Act of New Jersey for making £40,000 in bills of credit, having consulted Mr. Fane, and heard the Merchants of Bristol, who objected to it, by their Solicitor, and the Agent of the Province, "and it appearing to us that there is no essential difference between this and a former law etc., which hath been executed with good effect and found beneficial to the Province" etc. [C.O. 5, 996. pp. 383, 384.]

Oct. 31.  
Whitehall.

**155.** Council of Trade and Plantations to the King. An Act was passed in your Majesty's Island of Jamaica, on the 3rd day of May last, intituled *An Act for raising several sums of mony and applying the same to several uses for subsisting the officers and soldiers of the eight Independent Companys and preventing the exportation of several commoditys into the French and Spanish Islands*. In this law it is enacted, that whereas H.M. out of his great goodness and tender regard to the security of this Island hath been pleased as an additional force and strength to send over and add to the two Independent Companies six others, and as inlisting of men in this Island for recruiting of any of the said Companies will not in any ways answer such H.M. gracious intentions, therefore if any officer or officers belonging to any of the said Independent Companies shall inlist or suffer to be inlisted in the company in which he is an officer any person within this Island, every such officer or officers so listing or suffering to be listed shall from the day he lists or suffers to be listed any such person forfeit and lose for ever afterwards all such country subsistence as he should be entitled to by virtue of this Act and for every such person he shall so list as a foresaid the sum of one hundred pounds to be recovered &c. As this part of the Act regards H.M. forces in Jamaica, altho we are of opinion it would be very improper to allow the officers to recruit their Companys from amongst the inhabitants of that Island, yet as all orders and regulations which concern the Army ought undoubtedly to proceed immediately from your Majesty, we look



1735. [155]

upon this attempt in the Legislature of Jamaica as an encroachment upon the Prerogative of the Crown, yet considering this law is enacted for one year only, half of which is already near expired, and that it settles the pay and subsistence of the Independent Companies in Jamaica, which would be left destitute of all provision on the part of that Island if this Act should be disallowed, we would not propose to your Majesty to repeal the same, but that orders should be transmitted to your Majesty's Governor of Jamaica not to pass any law for the future liable to the same objections. [C.O. 138, 18. pp. 53-55.]

Oct. 31.  
Whitehall.

**156.** Council of Trade and Plantations to the Committee of Privy Council. *Transmit* following "agreeable to your Lordships order of 27th instant." *Annexed*,

156. i. Draught of H.M. Additional Instruction to Governor Belcher. Whereas a bill did pass the Council and House of Representatives of our Province of the Massachusetts Bay on the seventh day of June last entituled *An Act for granting the sum of three thousand pounds for the support of H.M. Governor*. And whereas application has been made to Us on your behalf that We should graciously be pleased to permit you to give your assent to the said bill, and also to allow you to receive your salary for the future as it may be raised from time to time by the Assembly. Now having taken the premises into Our Royal Consideration, We do out of Our special grace and favour to you, condescend to the request made in your behalf, and you are hereby empowered to give your assent of the aforesaid bill passed the seventh of June last, and likewise for the future to give your assent to such bill as shall be annually passed for paying to you a salary of one thousand pounds sterling, or the value thereof in the mony of that Province until Our Royal pleasure shall be signify'd to the contrary; provided such Act be the first that shall be passed by the Assembly of the said Province before they proceed upon the other business of that session wherein such Act shall be proposed. [C.O. 5, 917. ff. 148-150.]

Oct. [ ].  
Charles Town,

**157.** Humble remonstrance of Lt. Governor Broughton to the Council of Trade and Plantations. My duty to H.M., and regard to the welfare and safety of this His Province, with that of Georgia, makes it indispensibly necessary to lay before your Lordships for your judgment and directions thereon, the complaint of several of H.M. subjects of this Province, merchants and traders to the Creek nation of Indians, exhibited to me in Council, accompany'd with certain proofs and affidavits relating to the extraordinary behaviour and conduct of Capt. Patrick McKey, agent for Indian affairs in Georgia, towards their agents and traders among the Creeks from this Province: And also to lay before your Lordships the purport of three letters I lately received from his Catholick Majesty's Governr. of St. Augustin and one

1735. [157]

from the Commandt. at Mowille, on behalf of his Most Christian Majesty, by which your Lordships will perceive, the very great umbrage Capt. McKey thro' his ill conduct has given to those Governors and which has occasioned not only their remonstrating the case to me, but also threats of their making reprisals on H.M. subjects under my Government with those of Georgia, and also an actual augmentation of their force in and towards the Indian Nations. Your Lordships will observe it to be the highest act of indiscretion in Capt. McKey, and which may prove of the last ill consequence to the establishing the settlement of Georgia to proceed in such a manner as to give either the French and Spaniards reason to think it necessary at this time to augment their forces amongst the Indians, which the first have done by the addition of forty men to their Fort at Albamas, and the latter by raising three hundred men and putting them in garrison at St. Mark's, from whence with ease they may make inroads not only in the new settlement at Georgia, but also in this Province, and which the Governor of St. Augustin by the letter of the 13th of May ult<sup>o</sup>. seems to threaten. But when your Lordships consider the other part of that gentleman's conduct in regard to his dismissing and forbidding the traders licensed from this Province any further trade or commerce with those Indians, and which fully appears by the affidavits herewith transmitted, your Lordships will be of opinion, he deserves the severest censures: Because if ever an increase of our traders and thereby an increase of our strength among the Indians is necessary, it must be so, when the French and Spaniards are augmenting theirs among those people, and therefore for Capt. McKey at the same time that he is giving the French or Spaniards cause of jealousy, and by actual provocations making them augment their forces, for him to dismiss our traders, and thereby weaken our hands and interest among the Indians, can surely be done only with intention to injure and betray H.M. interest and that of H.M. subjects among these people, and can therefore be founded on no legal power or authority derived under the Honble. Trustees for establishing the Colony of Georgia or anyone else. And were these acts of violence of his to be consider'd only in the light of injuring H.M. subjects of this Province in molesting and hindring them from carrying on a trade with a free people, which they had enjoy'd from the first settlement thereof, and which this Province has for many years been at a very large expense to preserve, they could not, I presume, be justified before your Lordships; much less can they be so when this single consequence is considered, namely by how much the strength and interest of this Province is diminished among the Indians, by so much and more will that of France and Spain be encreased. I have, may it please your Lordships, with H.M. Honble. Council perused and considered H.M. Royal Charter for establishing the Colony of Georgia, by which all those lands and territories lying and being between the two rivers of Savannah and Alatomaha are granted to the Trustees for establishing that Colony, but we do not perceive that thereby it was H.M. intentions to grant to the Trustees an exclusive trade with the several nations



1735.

[157]

of Indians inhabiting within those bounds, or to deprive H.M. subjects of this or any other of his Provinces from a trade with them, and which they had long enjoy'd, nor indeed do we find that the Honble. Trustees have ever considered their Charter in that extensive light or claimed a right exclusive of all H.M. other subjects to trade with the Indians within the limits of their Governments. And I am perswaded these Honble. Gentlemen will never interpret it in that manner, since as I imagine such a construction would greatly tend to frustrate the settlement of that Colony, by emboldening the Indians and giving them room to believe that they are a separate distinct people from us, proceeding on different views and principles, nor less would it tend to the diminishing the British interest in general among those people, to give them any grounds to imagine that the interest of the two Provinces of Carolina and Georgia were incompatible. Give me leave further to inform your Lordships that on hearing the above complaints of the merchants and traders of this Province, on their agents, factors and servants being treated in so outrageous a manner and inhibited by Capt. McKey from any further trade among the Creeks and actually turning them out of their respective towns to which they had been duely and regularly licensed to trade, and that the head Bayliff of Savannah had threatned to support him in his illegal and unwarrantable proceedings therein with a detachment of fifty or seventy men of the Militia of Georgia, I assembled H.M. Council of this Province for their advice in this arduous affair, who were of opinion that it would be necessary to remonstrate the whole transactions to your Lordships for your Lordships' assistance in setting the matter right with the gentlemen in power at Georgia, and praying your Lordships to let these gentlemen know that the Honble. Trustees for establishing that Colony have no right by their Charter to an exclusive trade with the Indians in the bounds of their Government no more than any other Provinces in America have with the Indians within their respective limits, and that H.M. intentions were equally gracious to all his loving subjects in permitting them all a full liberty to carry on trade and commerce with the Indians, altho inhabiting within the limits of another Government than that from which the trade was negotiated, agreeable to the policy and instruction of her late Majesty Queen Anne to the Governor of this Province with regard to the traders of Virginia, and that therefore the Agent for Indian Affairs at Georgia should not presume to offer any violence, or give any lett or hinderance to H.M. subjects trading with the Creeks or other free Indians from this Province, and that in the meantime to prevent any mischief that might arise or damage happen to any of H.M. subjects thro' the temerity or inadvertency of the High Bailiff's of Savanah marching any of the Militia of Georgia into the Indian country against H.M. good subjects, I would by vertue of the clause in the Charter for establishing that Colony, whereby the Command in Chief of the Militia of Georgia is given to H.M. Governour of this Province, command the officers of the Militia of Georgia, not to raise and march any of their Militia into the Indian

1735.

[157]

Country without my special orders first had and obtained, except such as should be raised by the officer appointed to erect a Fort and Garrison in the Creek Nation according to an agreement stipulated by this Government, and that the Militia so to be raised should be employ'd only in that service, or against the enemies of H.M., and no ways to interfere in the trade, which I have accordingly done, and hope it will have the desired effect in preventing the mischief which the rashness of an attempt to raise the Militia of a Province to support a man in his illegal acts would otherwise have involved us in *etc.* *Signed, Tho. Broughton. Endorsed, Recd. 8th, Read 9th Dec., 1735. 5 pp. Enclosed,*

157. i. Governor of St. Augustine to Lt. Governor Broughton, 10th July (N.S.), 1735. Acknowledges letter of 13th May. Has despatched a messenger to the Provinces to ascertain who the persons are who have committed the outrages. Will acquaint him when he has certain news *etc.* *Signed, Fra. del Moral Sanchez. Endorsed as covering letter.*

A true copy. *Signed, J. Badenhop, Clerk Con. 1 p.*

157. ii. Extract from letter from Governor of St. Augustine to Governor Johnson. 27th April (N.S.), 1735. I communicate what has been writ to me about two Captains or traders that live among the Cowetas and Talapoochses, who made the Indians come, molest and kill the subjects of my Sovereign, though their Catholick and Britannick Majesties are at peace *etc.* I have been assured that they have sent three parties with orders to take prisoners and kill all the Spaniards they shall meet or Indians that inhabit the lower part of our Government, as I have also been informed by one of the Chiefs of the same Nation *etc.* Requests His Excellency to give orders for punishing the disturbers of the peace *etc.* Intends to inform his King that in these Provinces they do not religiously keep the conditions of peace *etc.* *Signed and endorsed as preceding. Copy. 1½ pp.*

157. iii. *Same to Same.* 13th May (N.S.), 1735. The bearer will inform your Excellency of the said accident that happen'd yesterday at the Fort of St. Francis De Dupo on the bank of Picalata River where one of the three partys of Indians I mentioned in my last, sent by your traders among the Cowetas and Talapooses, have killed the master gunner of the said Fort, which insult I cannot bear nor excuse the chastisement they deserve, for such temerity is insupportable and ought not to be permitted, since the two Crowns are in peace. Therefore I hope your Excellency will take proper measures to remedy such an enormity, and that the promoters thereof will receive their due punishment, otherwise I shall myself be obliged and inexcusable should I not punish so audacious and surprizing an action, especially since these Provinces enjoy'd great tranquillity till your traders



1735. [157 iii.]

incited by malice had troubled the Spaniards and the Indians who are under our protection. I hope, Sr. Your Excellency will support the union and good correspondence, that has all along subsisted between us, by obliging the said Traders to appear before Yor. Excy. and also their accomplices, and I am perswaded a punishment condign to their offence will be inflicted on them. *Signed*, Dr. Francisco Del Moral Sanchez. *Certified and endorsed as preceding.* 1 p.

157. iv. Capt. Mackay to Mr. Jones. Coweta. 28th May, 1735. I found on my arrival here the trade of this Nation in very great disorder, which I imputed to the numbers licensed to trade, and which as governed could not afford a living for some traders, which was the reason they were guilty of unfair practices. I have regulated the trade a little and reduced the numbers of traders *etc.* You are not in the number of those continued. Therefore you are to withdraw yourself and effects from this Nation *etc.* *Signed*, Patrick Mackay. *Certified and endorsed as preceding.* 1 p.

157. v. Governor of Mobile to Lt. Governor Broughton. Mobile. June 20 (N.S.), 1735. Has received letter for M. de Bienville, Governor of Louisiana, which he will forward. *Continues*: There has been a meeting at the Ofuskee nation Talapouchee by order of an Englishman, who has the inspection of the traders. He orders himself to be termed the Man of Valour. He has declared in the said meeting, where all the Chiefs of the Nation were present, several things to our disadvantage, and in terms very inconsiderate, as asking them why they suffered the French to build a fort, and that they ought to demolish it. Discourses of that kind *etc.* gave us room to imagine that England had declared war against France, but the accounts we have from Europe induce us to believe that this man of valour is acting by his own mere motion, and ought to be punished. Hopes that he will represent the matter to New Georgia accordingly. Some other traders "have told our Indians that we were obliged to have recourse to your nation for goods to trade with them, in order to insinuate that we were no better than beggars. I cannot tell you their names. This is the reason that has obliged us not to permit any commerce between your subjects and ours" *etc.* *Hopes that* he or the Commander at New Georgia will forbid any such discourses with the French Indians, "without which our Governor will be obliged to send some troops to the Alibamons for to suppress and seize the most culpable" *etc.* Asks that some Swiss deserters may be allowed to return, in which case no harm will be done to them *etc.* *Signed*, Diron Dardaguiette. *Certified and endorsed as preceding.* 2 pp.

1735.

157. vi. Memorial of Benjamin Godin and others, in behalf of themselves and others concerned in the Indian trade and of merchants trading from Great Britain to S. Carolina, to the Lt. Governor, Council and Assembly of S. Carolina. July 4, 1735. *Complain* of Capt. Mackay's assumption of authority over all traders among the Upper and Lower Creek nations. *Suggest* the taking off of the whole duty on skins and furs and the whole impositions on Indian trading licences, in order to preserve the Indian trade to this Province, and to enable it to carry on the said trade upon the same footing as Virginia and Georgia *etc.* *Signed*, B. Godin and 30 others. *Certified and endorsed as preceding.* 7 pp.
157. vii. Deposition of William Williams, Indian trader among the Creeks and Chickesaws. 4th July, 1735. Describes how Capt. Mackay at the end of March summoned all the traders and Indians to meet him at Ockfuskees, where he proposed to the Indians that they should demolish the French fort at the Albatas, or allow him to build a fort where ever he should think convenient. If they refused, he said he wd. withdraw all the traders from among them. After a week, the Indians answered that he might build a fort. On which McKay proposed to some of the traders that they should make a company, and accordingly chose out eleven men and disposed of their property as he thought fit, allowing nine of them to be upon whole shares, and two to have but one share between them, and discharging whom he thought fit. He excluded deponent and his partner, Thomas Wright, telling them that he would not permit either of them to trade in the Creek or Chickesaw nations, but if they would go to the Chactaws, they might. His partner accordingly went. Some time in May at the Great Okfuskees there was a dispute between William Edwards, a servant to Alexander Wood, and one whom Capt. Mackay called his doctor. Edwards informed deponent that by order of Mackay he was stripped and tied to the maypole in the middle of the square there, and 35 hickery switches were brought to whip him, but the One-handed King came and covered him, clasping him in his arms, and saying that if he would whip Edwards, they should whip him too, for he had never seen such doings from the white people before. After some dispute, Mackay ordered Edwards to be discharged *etc.* *Signed*, W. Williams. *Certified and endorsed as preceding.* 3 pp.
157. viii. Deposition of John Cadonhead, trader among the Lower Creeks. 4th July, 1735. After summoning the traders to meet him at Coweta town, Mackay produced papers as he declared to be his Commissions from S. Carolina and Georgia, he asked them whether, in case of a rupture with France and Spain, they would go to war with him. All answered that they would stand



1735. [157 viii.]

by him. Afterwards he ordered all the traders among the Lower Creeks not to move until further orders from him *etc.* *Signed, John Cadonhead. Certified and endorsed as preceding. 3 pp.*

157. ix. Deposition of Jeremiah Nott, Indian trader. 4th July, 1735. Deponent took out a licence in July last from S. Carolina to trade in the Cahabawatchee town in the Upper Creeks. At the end of March Nicholas Fisher came in the name of Capt. Mackay and served deponent with a warrant to remove himself with his goods thence to the Weekokees *etc.* At the beginning of April he and all the traders in the Upper Creek were summoned to meet Mackay at the place called the Half Way House, in order to conduct Mackay into that Nation. They accompanied him accordingly to the Tallasoes in the Creek Nation. At a meeting, Mackay declared that Mr. Oglethorpe had said that the Indian trade belonged to Georgia, but Carolina had begged that they might have liberty to grant licenses for that year, but that they had no more to do there now. He threatened to use the horses and effects of any persons who should come from Carolina with licences *etc.*, and subsequently ordered deponent to depart *etc.* *Signed, Jeremiah Nott, his mark. Certified and endorsed as preceding. 3 pp.*

157. x. Deposition of Thomas Johns (=Jones *supra*), Indian trader with licence from S. Carolina. 4th July, 1735. Capt. Mackay ordered him to depart, *as above.* *Signed, Thomas Johns. Copy. 2 pp.*

157. xi. Deposition of William Edwards. 18th July, 1735. Confirms No. vii. *Signed, Wm. Edwards, his mark. Copy. 1 p. Nos. x and xi. Endorsed as covering letter.*

157. xii. Deposition of William McMullin. 4th July, 1735. Trader among the Chickesaws, Capt. Mackay ordered him not to trade there any more. He and William Killhown were excluded the said trade under pretence that there were too many, but John Facey and James Cozens were put in their room *etc.* *Signed, William McMullin, his mark. Copy. 1 p.*

157. xiii. Deposition of George Cussins. July 19, 1735. Trading in the Lower Creek Nation under licence from S. Carolina, Capt. Mackay forbade him to trade there any longer *etc.*, and to put aside the goods under his care, whilst Mackay's goods and those concerned with him were put into the house where he was trading *etc.* *Signed, George Cussins etc. Copy. 1 p. Nos. xii and xiii endorsed as covering letter. [C.O. 5, 365. ff. 24-26, 27 v., 28, 29-30, 31 v., 32 v., 33 v.-35 v., 36 v.-49, 50, 51 v.]*

Nov. 5. **158.** Lt. Governor Gooch to the Duke of Newcastle. I received the 15th of the last moneth the honour of your Grace's letter of the 28th of March last, by the hands of my Lord Fairfax,

1735. [158]

whose private affairs in the Northern Neck, where his estate lyes, has employed his time ever since his arrival in this Government, which was in May. We have now agreed upon settling his Lordship's boundaries, pursuant to H.M. commands, and Commissioners will shortly be nominated on both parts to sett out upon that service as soon as the season of the year will permit, though it is like to prove a work of some difficulty, by reason of the uncertain extent of his Lordship's grant. But I beg leave to assure your Grace that in the progress of this affair his Lordship shall receive all the justice and favour, which I can give consistent with my duty to H.M., and the particular regard yr. Grace's recommendation will always have with one who is with the most profound duty and respect, Your Grace's most obliged and most obedient humble servant. *Signed*, William Gooch. *Endorsed*, R. 24th Jan. *Holograph*. 1 p. [C.O. 5, 1337. ff. 185, 186 v.]

Nov. 5.  
Virginia.

**159.** Lt. Governor Gooch to the Council of Trade and Plantations. By the hand of my Lord Fairfax I received the honour of your Lordships' letter, with a copy inclosed of an Order of H.M. in Privy Council for appointing Commissioners to survey and settle the boundaries of his lordship's grant. Accordingly we have agreed to nominate persons on both parts who shall set out on that service in the Spring, the properest season in the year for such a work, and I hope that difficult affair will now be determined to the satisfaction of His Majesty and with all the favour to Lord Fairfax which is consistent with His Majesty's interest and service. *Transmits* account of H.M. revenue of 2s. per hogshead for the last half year. *Signed*, William Gooch. *Endorsed*, Recd. Jan. 31, 1735, Read March 18, 1735. *Enclosed*,

159. i. Account of H.M. revenue of 2s. per hogshead etc. arising in the Colony of Virginia from 25 April, 1735, to 25 October, 1735. Receipts 9,113*l*. 8*s*. 1*d*. Disbursed, 2,960*l*. 19*s*. 1*d*. *Signed by* John Grymes, Receiver General. *Certified by* John Blair, Deputy Auditor and William Gooch. 2 pp. [C.O. 5, 1323. ff. 183-186.]

Nov. 6.  
St. James's.

**160.** Order of King in Council. Approving draught of additional Instruction to Governor Mathew empowering him to pass an Act in Montserrat for levying a powder duty etc. *Signed*, Ja. Vernon. *Endorsed*, Recd. 4th, Read 5th Dec., 1735. 1 p [C.O. 152, 22. ff. 15, 16 v.]

Nov. 6.  
Whitehall.

**161.** Order of King in Council. Appointing William Forbes, James Innes and Thomas Wardroper to the Council of N. Carolina, in the room of Messrs. Ashe, Stallard and Eyans etc. *Signed*, Ja. Vernon. *Endorsed*, Recd. 4th, Read 5th Dec., 1735. 1½ pp. [C.O. 5, 294. ff. 234, 234 v., 235 v.]

Nov. 6.  
Whitehall.

**162.** Mr. Popple to Mr. Fane. Encloses 8 Acts of the Massachusetts Bay, 1735, for his opinion thereon in point of law. List annexed. [C.O. 5, 917. pp. 151, 152.]



1735.

Nov. 10.  
Boston.

**163.** Mr. Willard to Mr. Popple. *Encloses* public papers for half year ending August—Minutes of Council and of Assembly, Acts passed and Treasurer's accounts for the year *etc.* *Signed*, Josiah Willard. *Endorsed*, Recd. 9th Feb., Read 20th Oct., 1736.  $\frac{2}{3}$  p. *Enclosed*,

163. i. Accounts of Jeremiah Allen, Treasurer and Receiver of H.M. Revenue, Massachusetts Bay, 29th May, 1734–1735. *Signed*, Jer. Allen. *Endorsed*, Recd. 9th Feb., 1735. 22 pp. [*C.O.* 5, 879. ff. 59, 60 v.–71 v., 72 v.]

Nov. 10.  
Whitehall.

**164.** Mr. Popple to Capt. Burrington. I beg the favour of you to inform me by whom the Provost Marshal of N. Carolina is appointed, and how paid ; as likewise whether there is a Province gaol ; at whose charge built, and by whom maintained. [*C.O.* 5, 323. f. 112 v.]

Nov. 11.

**165.** Capt. Burrington to Mr. Popple. Sir, In answer to the letter I received from you last night ; this is to acquaint you, that the Provost Marshall of North Carolina is appointed by the King, he is paid by the province for summoning the Council, and other services of the publick, he has fees settled by Act of Assembly for the businesses done by himself and deputys, between the people that go to law ; a list of the Fees belonging this officer, may be found in the Laws of that country, now in the plantation office. There is in North Carolina a province Goal, built att Edenton, where the General Court is allways held, att the charge of the publick, att whose expence it is kept in repair. Sir, haveing answer'd your letter, it may not be very improper to inform you, that most if not all the precincts have a particular prison, built att the charge of each precinct ; the number of the precincts when I left N. Carolina were thirteen. *Signed*, Geo. Burrington. *Endorsed*, Recd., Read 11th Nov., 1735. 1 p. [*C.O.* 5, 294. ff. 223, 236 v.]

Nov. 12.  
*Shoreham*  
at Gibraltar.

**166.** Capt. Towry to Mr. Popple. *Encloses* following. *Signed*, J. Towry. *Endorsed*, Recd. 9th, Read 10th Dec., 1735. *Holograph*. 1 p. *Enclosed*,

166. i. Copy of Heads of Enquiry relating to the Fishery and Trade of Canso and parts adjacent.

166. ii. Replies to preceding by Capt. John Towry. (1) As this fishery is carried on by schooners on the Banks non of those utensils are made use of at Canso. (2) No boats for fishing are used here nor train fats for making oyle. (3) The fishery carried on by the people of New England only. (4) Supplied from England in part, and part from New England. (5) In shares according to the place they fitt out from in New England. (6) The fishery carried on by schooners on the Banks and no boats fittted out here. (7) Five famulys who subsist by helping the fishermen in summer, keeping houses of entertainment and cutting wood in the winter. (8) The houses at a convenient distance and room left for flakes in a proper manner. (9) The flakes according to the

1735. [166 ii.]

customs of Newfoundland but no fishing boats here. (10) No fishery carried on by ships on the Banks, by schooners only. (11) Answered as above. (12) Five houses of entertainment and those kept by the inhabitants, the fishermen supplied by their owners. (13) No fishery carried on by the inhabitants. (14) No handicraftmen belonging to Canso but those belonging to the souldery. (15) A charge was by me given to the fishermen to take particular care in curing their fish. (16) Salted on the Banks where taken and carried on flakes ashore as in Newfoundland and ten hogsheads of salt to every hundred quintals. (17) The Masters of sack ships not to ship but only merchantable fish, the only way to prevent complaints. (18) The officers of the garrison do not concern themselves in the fishery, so far as is within my knowledge. (19) State of the strength, trade and fishery of Cap Breton in 1735. The grand battery mounts 44 guns of 48 pounders and the two towers 4 of the same nature. The island at the entrance of the harbour mounts 26 guns of 36 pounders. The Dauphin's battery at the town gate mounts 24 guns of 24 pounders. The Queen's Battery 16 guns of 18 pounders, and on the key are 6 guns of 18, there are likewise 12 guns to be mounted on the Fort. The garrison consists of six companys, a Captain Lieutenant, 2 ensigns, 2 serjants, 2 corporals, a drum and sixty private men each, with a company of Swiss, a Captain Lieutenant, 2 ensigns, 4 serjants, 4 corporals, 3 drums, one fife and 120 private men. At Port Toulouse is a company of sixty men, at Port Dauphin, a Lieut., ensign, serjant, corporal, drum and twenty men. At the Island of St. Johns in Bayvert is a Lieut. Governour, a Lieut., ensign, serjant, corporal, drum and fourty men, here it is the Governor of Cape Breton yearly meets the Indians and deleivers them the presents sent them by the King of France. There comes yearly to Louisburg a man-of-war of 50 or 60 guns. There has been this year in the harbour of Louisburg twenty-eight merchant ships and at the severall harbours of the island twenty more from 100 to 300 tons each to load fish. There are by computation fifty sloops and schooners that belong to the island who fish on the Banks and make about 500 quintals of fish each, besides 400 shallops belonging to the severall harbours who make as is judged 250 each.

As I can learn there are no Irish papists among the French but severall English, Irish and Scotch sailors are in their merchant service.

166. iii. State of the codd fishery for the year 1735. *Totals* :—  
 No. of schooners, 58 ; quintals made, 21,766 ; quints. shipt to foreign markets, 10,760 ; quints. shipt to N. England, 11,006. 1 *p*.



1735.

166. iv. Sack ships lading at Canso in 1735 : 6 (5 from Exon, London and Bristol ; 1 from Boston). Quintals shipt, 10,766.  $\frac{1}{2}$  p.

166. v. State of the whale fishery at Canso, 1735 :—No. of vessels, 19 (14 from Nantucket, 1 from Boston, 2 from Cape Cod, 1 from Plymouth, 1 from Dartmouth). Quantity of oyle (barrels), 666 ; pounds of bone, 7,136 ; No. of whales, 16. 1 p. [*C.O.* 217, 7. ff. 146, 147–153 v., 155–156, 157 v.]

Nov. 14.  
London.

**167.** Mr. Furye to Mr. Popple. Encloses Acts passed last session in S. Carolina, and Journals of Council and Assembly, and Minutes of Council to 7th June. *Signed*, Percyl. Furye. *Endorsed*, Reed. 17th Nov., 1735, Read 27th Jan., 173<sup>e</sup>. 1 p. *Enclosed*,

167. i. List of 7 Acts referred to in preceding. 1 p. [*C.O.* 5, 365. ff. 70, 71, 73 v.]

Nov. 14.  
St. Christophers.

**168.** Governor Mathew to the Council of Trade and Plantations. The honour of your Lordships' letter of 13th Aug., wherein I find myself not only happy in the repeated approbations of my conduct, but also in the very kind manner of your giving me those approbations, these my Lords, fill me with a sense of gratitude that it is hardly possible for me to express. Mr. Smith being gone home, I return the letter your Lordships intended for him, but I shall make the best I can of the copy that I received with it, to bring his deputys to better diligence than they have exercisd hitherto. I pray your Lordships will permit me to remind you, that Charles Dunbar Esq. has a mandamus for filling up evry first vacancy that shall happen in each island. I could heartily wish in case of a warr your Lordships had approvd of my reasons for asking field pieces and swords, and super-numerary small arms. I shall receive with great pleasure H.M. orders as to Sta. Cruz, St. Thomas and St. Johns. I shall punctually inform your Lordships of all removes of civil officers. I have not yet receivd from Mr. Burchet the copys of commissions mentiond in my 78th Instruction. Pressing the Legislatures here to come to resolutions for their safety, I find from old and later experience will not avail, till the danger is more certain and nearer at hand. I am very thankfull for the order from their Lordships of the Admiralty which my Lord Fitzwalter spoke to Sir Charles Wager for. If I happen to know where the spence is when I am to move from island to island, I imagine they will at my request give me a passage for the futur. I am very uneasy upon what your Lordships mention as to establishing Legislatures in Anguilla, Tortola and Spanish Town, which I have done I fear too hastily. I found the people brought to a temper of receiving one, which I have long waited for, this made me the more eager to send them writts in the same style with those issued in these islands for calling an Assembly, and I was encouragd to do it without delay from the following words in my commission (*empowering him with the advice and consent of the Councils respectively to summon General*

1735. [168]

*Assemblies within any of the islands under his government etc.). Continues* :—These islands for forty years past have been governd each of them by a Deputy Governour, to be assisted in each of them by six of the principal inhabitants as a Council, and all these islands under a genll. Lt. Governour appointed by H.M. Chief Governour. These Deputy Governours assisted with these Councils, allways made ordinances, and raisd taxes, and these were sometimes obeyd and paid, and sometimes the commonalty mutinyd, and Mr. Governour and his Council, have sometimes been well thrashd for their acts of government. I therefore prevaild on each of these islands, vizt. Tortola, Spanish Town and Anguilla to chuse representatives for the people and they are grown very fond of this new method, and are making laws on the models I gave them. But on what your Lordships mention, I heartily repent my hasty zeal, and evrything shall lie still, till I am honoured with your further orders. As for Justices to hold Courts of law, I have as yet appointed none. I shall pass no powder acts or other laws in breach of my Instructions, so as to risque H.M. displeasure. *Signed*, William Mathew. *Endorsed*, 29th Jan., Read 30th Sept., 1736. 3 pp. [C.O. 152, 22. ff. 73, 74-75 v. (with abstract).]

Nov. 14. **169.** *Same to Mr. Popple. Encloses preceding, and hopes St. Christophers.* his letter to Mr. Smith will help him to get out of his office public papers in the future. *Encloses* receipts of the orders he gave to the Deputy Secretaries of Antigua and St. Christopher. *Continues* : You will see from their date how long I have waited in vain and the 20th of Sept. there will be arrears of a year's Minutes of the Council of that island [*Antigua*], tho' my orders given at my first arrival was to have them quarterly, and the same Minutes are now nine months in arrear in this island. *P.S.*—*Encloses* Act just received from Antigua for continuing the public works *etc.* *P.S.*—Dec. 8. Has received his letter of Sept. 12. "It gives me great joy that their Lordships so farr approve my getting the lists of numbers in the French and neutral islands, as that they have thought fitt to lay it before H.M. with their Lordships' remarks on it. The explanation of their Lordships as to duties laid on liquors neither the growth nor the manufacture of Great Britain, I have communicated to the Legislature of Nevis *etc.* Governor Cuninghame arrivd yesterday at Nevis. I expect him here to-morrow. *Signed*, William Mathew. *Endorsed*, Reed. 12th Feb., Read 30th Sept., 1736. 2 pp. *Enclosed*,

169. i. Receipts from Deputy Secretary, St. Christophers, for H.E. orders to prepare copies 5th May of Minutes of Council, Sept. 17, 1730—26th Nov., 1731, 26th June—8th Oct., 1733, 20th Feb. 1734—25th March, 1735, and transcript of all laws passed in St. Christophers since 26th March, 1717 *etc.* *Signed*, D. [?] Walsh. 5th May. 1 p.

169. ii. Similar receipt, by Deputy Secretary of Antigua. *Signed*, Patrick Wilson. 1 p. [C.O. 152, 22. ff. 78-79, 80, 83 v.]



1735.  
Nov. 16.  
Gro. Str.

**170.** James Vernon to Mr. Stone. *Requests him* to lay before the Duke of Newcastle "the request of our Georgia Trustees that His Grace would be pleased to recommend in the strongest terms to the Lt. Governor and Council of Carolina the supplying of Mr. Oglethorp with a sufficient number of negroes for perfecting the fort which he is to erect upon the Island of St. Simon; as this is the Southern boundary of all our Provinces towards the Spaniard and lyes upon the passage thro' which their fleets homeward bound must pass, His Grace is thoroly apprized of the importance of this post to H.M. service and the welfare of our Colonys" etc. *P.S.*—The number of negroes Mr. Oglethorp mention'd was 200. I am with perfect esteeme, Sr., Your most humble and obedient servant. *Signed*, Ja. Vernon. 2 pp. [C.O. 5, 654. ff. 28, 28 v.]

Nov. 16.

**171.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 26 Acts of Virginia, 1734 (*enumerated*). *Concludes*: "The Act for settling the bounds of land and for preventing unlawful shooting and ranging thereon, has a clause in it which I think it my duty to take notice of to your Lordships, tho' I have no objection to it. It enables persons seized in fee tail of lands not exceeding the vallue of £200 sterling and so found by a jury of inquest to pass the fee simple thereof to any purchaser for a valuable consideration by deed executed, acknowledged or proved in the General Court there. This method is instituted to save the expence of private Acts of Assembly by wch. entails have formerly been only barred, and as it is limmitted to estates of small value and a good method of doing it prescribed, I think it very right: but there ought to have been some words in the title of this Act to have shewn there was a clause of this nature incerted therein. *Signed*, Fran. Fane. *Endorsed*, Recd. 17th Nov., 1735, Read 27th Jan., 1735½. 1½ pp. [C.O. 5, 1363. ff. 178–179 v., 180 v.]

Nov. 17.  
Whitehall.

**172.** Order of Committee of Privy Council. Agree with Council of Trade and Plantations, 31st Oct., that Act of Jamaica for raising several sums etc. should not be disallowed, but that directions be given to the Governor not to pass any law for the future liable to similar objections etc., and order them to prepare a draught of Instructions to that effect. *Signed*, Ja. Vernon. *Endorsed*, Recd. 19th, Read 25th Nov., 1735. 1 p. [C.O. 137, 22. ff. 11, 14 v.]

Nov. 19.

**173.** Duke of Newcastle to Lt. Governor Broughton. The Trustees of the Colony of Georgia having represented to H.M. that they have given directions, for erecting a fort upon the Island of St. Simon, in the mouth of the river Altamaha; which will be of the greatest importance, by reason of its situation, for the security and welfare as well of the Province of S. Carolina, as of Georgia; and that they shall stand in need of workmen for carrying on and finishing the said Fort; H.M. would have you furnish Mr. Oglethorpe, under whose direction this work will be carried on, with such a number of negroes to be employ'd therein

1735. [173]  
as you conveniently can, and as shall be necessary for bringing it to perfection. *Signed*, Holles Newcastle. *Copy*. 1½ pp. [C.O. 5, 388. ff. 135, 135 v.]
- Nov. 24. **174.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Conclude*: We are of opinion that the words [*of the Lords Proprietors' letters patent*, v. Oct. 27] are too general to pass lands, and that Mr. Hodgson hath no right to any land in Carolina by virtue of the said patent. *Signed*, J. Willes, D. Ryder. *Endorsed*, Recd. 25th, Read 26th Nov., 1735. ¾ p. *Enclosed*,  
174. i. Copy of grant referred to in preceding. Cf. 27th Oct. *Latin*. 3½ pp. [C.O. 5, 365. ff. 13, 14-15 v., 16 v.]
- Nov. 25. **175.** Petition of Lewis Morris, Rip Van Dam and James Alexander to the Council of Trade and Plantations. Request copies of Governor Cosby's letters and complaint against them, and of Minutes of Council and papers therein referred to etc. *Signed* (for the Petitioners), Ferd. John Paris. *Endorsed*, Recd. 25th, Read 26th Nov., 1735. 1½ pp. [C.O. 5, 1058. ff. 1, 1 v., 2 v.]
- Nov. 26. **176.** Lt. Governor Gooch to the Council of Trade and Plantations. On this day I had the honour of your Lordships' commands of 27th June last requiring what laws were in force etc. by which any duties etc. are laid on the trade and shipping of Great Britain etc. *Describes* the Act of 1680 for raising a public revenue, and the supplementary Act of 1710, laying a duty of 2s. pr. hhd. on tobacco exported, 15d. pr. ton on every ship trading to Virginia and 6d. on every passenger imported etc., "all which dutys are appropriated for the support of the government, and out of which the sallerys of the Governour and all the publick officers and contingent charges are paid. This duty haveing continued for almost sixty years without any objection, and being also of absolute necessity for the purposes to which it was at first applied, it is hoped will still be approved and continued." *Continues*: The other act subsisting of the 25th March, 1731, is an Act passed in 1726 for laying a duty of fourpence per gallon on liquors, the fourth part of this duty i.e. one penny per gallon on all wines, rumm, brandy and other distilled spirits imported into this Collony during the term of 21 years is laid for raising £200 per annum towards the support of the College of William and Mary in this Colony. But as all liquors imported directly from Great Britain are entirely exempted from this duty, it no ways affect[s] the trade or shipping thereof, the liquors lyable to this duty being imported by our own inhabitants or the people of the other Plantations and a drawback of the whole duty is allowed if exported in three moneths. This Act hath also the Roial assent, and by an Act passed in 1734 the whole duty arising from the penny per gallon out of which £200 a year was given, is now given to the College from the 25th of October, 1735, during the residue of the term of 21 years. It is almost needless to mention another



1735.

[176]

Act, 1694, whereby a small duty is laid upon furs exported *etc.* re-enacted in 1705 *etc.* But, as I believe, there is not one British merchant concerned in this trade, so the trade itself is become so very inconsiderable, and the duty turns to so little an account, that 'twas hardly worth your Lordships' notice. I come now in answer to the second part of your Lordships' letter, to shew what dutys are now payable on the importation or exportation of liquors, negroes or other merchandizes *etc.* After some attempts to lay a duty on negroes imported, which were disapproved on the representation of the British merchants, H.M. having been pleased to prohibit the raising any such duty for the future on the importer, but signifying at the same time that a duty payable by the purchaser would not be objected against : an Act passed here in 1732 for laying a duty on slaves to be paid by the buyers, whereby five p. cent. ad valorem is to be paid for every negro imported and sold here by the purchaser, if living at the end of forty days after the sale ; and if exported again in twelve moneths, the whole duty is to be repaid to the exporter. This Act was to commence from the passing thereof, the last of June 1732, and to continue for four years ; and is since by an Act passed in October 1734 to continue for four years longer, and since its commencement hath raised communibus annis near £1000 *pr. annum*. By this duty neither the British shipping or merchants are anyways prejudiced, for as the masters of ships are not chargeable for any more than making a true entry, so neither is the owner or his factor at any expence, but receive the same, if not a better price, for their slaves, as if there were no such duty. The next is an Act made in the year 1732 (reciting that H.M. had been pleased to repeal a former Act for continuing a duty of three pence per gallon on imported liquors, because of the exemption of half the duty to Virginia owners), by this there is a duty of three pence per gallon on all wines, brandys, rumm and other distilled spirits imported after the last day of July in that year and to continue for four years, and is since continued by another Act in 1734 for four years. By this Act no duty is to be paid for any liquors imported directly from Great Britain, and if exported in six moneths the whole duty is drawn back : every pipe of wine is entered at 100 gallons, and there is also 20 p. cent. to be deducted out of all liquors for leakage ; and the objections made to the former Act are removed, for here is no distinction made between British and Virginia owners, but the duty is the same on both, and the time for exporting to entitle them to the drawback is as long as they could desire. This duty with that part of it the penny given to the College hath amounted to about £2,000 *pr. annum*. There my Lords are all the Acts of Assembly by which any dutys or impositions are laid on any goods or commoditys whatsoever on the importation or exportation thereof. I have only to add this one observation on the duty of two shillings per hogshead, that tho' the masters of ships are obliged to pay this duty, yet it is really paid by the planters and freighters, either by giving the masters money here if required, or it is paid at home by the person to whom the tobacco is consigned and charged to them

1735. [176]

in their accots. of sales ; and besides the masters have an allowance of 10 pr. cent on what he pays here on the score of this duty. *Signed*, William Gooch. *Endorsed*, Recd. Jan. 31, Read Oct. 7th, 1736. *Duplicate*. 3½ pp. [C.O. 5, 1324. ff. 16-17 v., 18 v.]

Nov. 26.  
St. James's.

**177.** Order of King in Council. Approving report of Committee for Plantation Affairs, after hearing Counsel on both sides, that the reasons transmitted by Governor Cosby were not sufficient for removing the petitioner from his office of Chief Justice of New York *etc.* *Signed*, Ja. Vernon. *Endorsed*, 4th, Read 5th Dec., 1735. 1½ pp. [C.O. 5, 1058. ff. 12, 12 v., 13 v.]

Nov. 26.  
Whitehall.

**178.** Council of Trade and Plantations to the Committee of the Privy Council. Enclose following as ordered 17th inst. *etc.* *Annexed*,

178. i. Draft of H.M. Additional Instruction to Governor Cunningham. An Act having been passed in Our Island of Jamaica on 3rd May last, *for raising several sums etc.* Clause laying penalty on officer enlisting any person within the island, *quoted* (v. Aug. 15, Nov. 17 *etc.*). *Continues* :—We have consulted Our Commissioners for Trade and Plantations upon the said law ; and having taken the said law, as also their report thereupon, under Our royal consideration, We think the said law an encroachment upon the prerogative of Our Crown, inasmuch as all orders and regulations which concern the Army, ought undoubtedly to proceed immediately from Us, and therefore We should have repeal'd the said law, but that Our Independent Comps. at Jamaica in that case would have been left destitute of all provision on the part of that Island ; It is, however, Our will and pleasure, that for the future you do not upon any pretence whatsoever, give your assent to any law to be pass'd in Jamaica, with a clause of the like nature. [C.O. 138, 18. pp. 56, 56a, 57.]

[Nov. 28.]

**179.** Mr. West to the Council of Trade and Plantations Has no objection to 13 Acts of New York (*enumerated*) passed in 1721. But the Act *for raising £500 for securing the Indians in H.M. interest*, enacts that person not complying either in not collecting or paying the assessment shall be committed to gaol by any two Justices of the Peace, there to lie till he has made *fine and ransom*. These are words of a very general and unlimited signification *etc.* If the Justices have the authority to fix the fine and discharge the prisoner, it seems too arbitrary a power to be trusted to them *etc.* The Act herein objected to being long since expired, the objection given against it sunk with it. *Dated*, 26 Nov., 1723. *Signed*, Richd. West. *Endorsed*, Recd. 27th Nov., 1723. Read Nov. 28, 1735. 2½ pp. [C.O. 5, 1058. ff. 3-4 v.]

[Nov. 28.]

**180.** *Same to Same.* Report upon Act of New York, 1723, *to enable Thomas and Walter Dongan*, (two surviving kinsmen of



1735.

[180]

Thomas late Earl of Limerick) to sell some *part of their estate etc. Detailed. Concludes* : The heirs generall of the Earl of Limerick in whom the fee expectant upon the determination of the estate tail at present is, are concerned in some measure in the said estate and ought to have an opportunity of being heard. But if upon notice to them they acquiesce in the bill, no objection can be made to it upon account of the heirs of the said Earl. Yett I think myself obliged to observe to your Lordships that the saving clause at the end of the bill is worded in so loose a manner as that it may possibly be doubted whether the operations of it will not destroy the intent of the whole bill and also that the saving of the right of the Crown which is requisite to be inserted in all private bills is in this omitted. *Signed*, Richd. West. *Endorsed*, 8th Feb., 1724 $\frac{1}{2}$ . Read 28th Nov., 1735. 3 $\frac{1}{2}$  pp. [C.O. 5, 1058. ff. 5-6 v.]

[Nov. 28.]

**181.** *Same to Same.* Report upon Act of New York, 1719, for settling the estate of Thomas Lewis, late of the City of New York, decd. *Detailed.* By the affidavit of Haerpert Jacobs, received from New York, it appears that Lodwick Lewis is dead without any issue, and by the affidavit of Catherine Kerfbyl, it appears that all the other parties concerned in the bill are living in those parts of the world and are well pleased with it. Has therefore no objection to its being passed into law, excepting only that there is no saving clause nor limitation of time as to the commencement of the bill. 24th Feb., 1724 $\frac{1}{2}$ . *Signed*, Richd. West. *Endorsed*, Recd. 24th Feb., 1724 $\frac{1}{2}$ , Read 28th Nov., 1735. 2 $\frac{1}{2}$  pp. *Enclosed*,

181. i. Deposition of Haerpert Jacobs, of the City of Albany, Mariner. Lodwick Lewis died in the island of Jamaica in deponent's presence in 1688 *etc. v. preceding.* 7th Nov., 1724. *Signed*, Haerpert Jacobs.  $\frac{1}{2}$  p.

181. ii. Deposition of Catharina Kerfbyl, of the City of New York, widow. Enumerates descendants of Thomas Lewis. *Signed*, Catharina Kerfbyl. 10th Nov., 1714 (*sic*).  $\frac{1}{2}$  p.

181. iii. Deposition of Robert Walter, Mayor of New York. The above depositions were sworn to in his presence on 7th and 10th Nov., 1724. *Signed*, R. Walter. 1 p. [C.O. 5, 1058. ff. 7-8, 9-10 v.]

[Nov. 28.]

**182.** Mr. West to Council of Trade and Plantations. In obedience to your Lordships' commands I have perused and considered the severall following Acts passed in the Province of Virginia in 1723. And as to the Act entituled *An Act appointing a Treasurer and empowering him to receive the moneys in the hands of the late Treasurer*, I have no objection to it in point of law, only I would observe to your Lordships that it seems to be now a practice in all the American Colonies for their respective Generall Assemblies to assume to themselves the nomination of all officers relating to the Revenue. As to the Act entituled *An Act directing the tryall of slaves committing capitall crimes and for the more effectuall punishing conspiracies and insurrections of them and for the better government of negroes, mulattoes and Indians*

1735.

[182]

*bound or free.* There is in it a short paragraph by which it is enacted that from and after the passing of the Act no *free* negro, mulatto or Indian whatsoever shall have any vote at the election of burgesses or any *other election* whatsoever. Altho' I agree that slaves are to be treated in such a manner as the proprietors of them (having a regard to their number) may think necessary for their security, yet I cannot see why one *freeman* should be used worse than another merely upon account of his complexion. I have no objection to the putting such limits and conditions upon those persons as may be enfranchized for the future as they please. But to vote at elections of officers either for a county or parish etc. is incident to every freeman who is possessed of a certain proportion of property. And therefore when severall negroes have merited their freedom and obtained it and by their industry have acquired that proportion of property so that the above mentioned incidentall rights of liberty are actually vested in them, for my own part I am perswaded that it cannot be just by a Generall Law without any allegation of crime or other demerit whatsoever to strip all free persons of a black complexion (some of whom may perhaps be of considerable substance) from those rights which are so justly valuable to every freeman. But I submit the consideration of this to your Lordships. As to the five other Acts pass'd in the same Province in the said year, 1723, I have no objection etc. *Signed*, Richd. West. *Endorsed*, Reed. 16th Jan., 1723 $\frac{3}{4}$ , Read Nov. 28, 1735. "The first Act objected to is long since expired . . . . The 2nd objection holds good, the law being perpetual." 2 pp. [C.O. 5, 1323. ff. 177, 177 v., 181 v.]

Nov. 29.  
Barbados.

**183.** President Dottin to the Council of Trade and Plantations. I hope my last letter of which the foregoing is a duplicate, and wherewith accompanys another of the accounts last inclos'd came safe to your Lordships' hands, and proved satisfactory for the purposes they were wanted. I have since found that the favour I ask'd in relation to my nephew succeeding Coll. Terrill as one of the Council in this Island, can't be complied with, as I observe it is H.M. pleasure Mr. Dunbar the Surveyor General, besides his being by virtue of his office a Councillor extraordinary, pursuant to an additional Instruction for that purpose, was also to succeed in the first vacancy, as one of the Council in ordinary, and I was but very lately made acquainted with his mandamus, tho' it is of an old date; he will, I presume, on his next coming up hither apply to be sworn and take his seat accordingly, but I think myself obliged to acquaint your Lordships that Mr. Ashley a member of Council having for some time past neglected his duty, whereby it has happened that a Council nor Court of Chancery could not hold and business thereby delayed, tho' indeed I have every time excus'd him, in hopes his affairs and circumstances which has appear'd to be very low and he much more in debt than the value of his estates, wou'd have been accommodated to his advantage, but that not happening and being told there is little prospect of settling them in the manner he expected, I must humbly submit it to your Lordships' consideration whether it be proper he shou'd



1735.

[183]

continue longer a member of Council, especially as I perceive by H.M. Instructions, it is his intentions that men of the best characters, abilities and fortunes should fill those places, not but that Mr. Ashley behaved very well while he gave his attendance, but should your Lordships think him improper to be continued, because of the loss of his fortune and his neglecting to attend his duty since his circumstances has been discover'd, I will in that case humbly presume to remind your Lordships of my late recommendation and hope Major Abel Dottin will be deemed a proper person to fill his place. On perusal of H.M. Instructions to his late Excellency, I found several relating to transmitting an account home of the state, condition and trade of this and the rest of the West India Settlements, and being desirous of having these matters as fully represented as possible, I communicated the instructions relating thereto to the Council and appointed a Committee to enquire therein, and they having taken several depositions and made their report thereon, I humbly presume to trouble your Lordships with an attested copy of the whole proceedings for your perusal, which are incerted in the Minutes of the 28th of October last, and tho' I am afraid the length will almost induce your Lordships to lay it aside, as a matter that will engage more of your time in considering it than you can spare for that purpose, yet as it is an affair which not only relates to this Island in particular, but also greatly regards our Mother Country I humbly hope your Lordships will consider it in the manner that a thing of such importance requires. From thence your Lordships will see how prodigiously the French, Spaniards and Dutch have lately increas'd not only their own settlements, but those Islands to which they have no manner of right, and by what means they were enabled so to do, the artifices, contrivances and unjust dealings of the French and Spaniards in prejudice of H.M. rights and those of his subjects are there manifested, and the great danger of the West Indies trade being lost to Great Britain unless some very speedy and effectual relief is given to the Sugar Colonys are there shown, and these things, I am perswaded, will induce your Lordships carefully to consider this long report, and incline you to use such means as may be proper in order to restore a declining trade and prevent the French and Spaniards from using the unjust methods for the future, which it appears they have hitherto practis'd with impunity to the very great prejudice and discouragement of the British subjects. Your Lordships will perceive what great damage has ensued and injustice been done to the inhabitants of this and H.M. other Islands, by the French and Spanish guard vessells seizing the English vessells with their effects at uninhabited Islands, while many French vessells daily come here, and lying out of the command of any fort or battery they carry on an illicit trade and besides take off clandestinely many negroes and persons in debt here, to the very great loss and prejudice of the inhabitants, and which may be remedyed were we allowed to fitt out small vessells as guards to our coast, who wou'd prevent their coming near us, and as this woud be an effectual method strictly to put in execution the Acts of Trade it was intended

1735. [183]

I am told to be pursu'd by his late Excellency, had not the Attorney General been of opinion, he cou'd not grant such a commission, but if your Lordships think proper to procure such a power to the Governour or Commander in Chief to fitt out such vessells, it will be of great service to this Island both in preventing an illegal trade and in hindering many persons and negroes running off from hence. The Committee of the Council thought fit to consult the merchants as to what might be proper to be done for the advantage and improvement of the trade of this Island, who made their report in writing to them, a copy whereof your Lordships will find immediately following the other report. They have therein given their reasons for repealing the five laws your Lordships were pleas'd to mention in your letter to me of the fifteenth of July last, and which reasons are approved of by many of the planters, tho' others differ from them therein, alledging that if the two acts concerning forestallers and ingrossers of provisions were repealed, the merchants and factors wou'd not be contented with a moderate gain but wou'd send away those provisions to any other place where they had a prospect of getting a better price, and thereby force the inhabitants to pay much dearer for such provisions then they can possibly afford. To which it is answer'd that as this Island is the windwardmost, all provision vessells that come on a trading voyage generally touch here first, and if the marketts are tollerable, they chuse rather to stay then riske another voyage, but if the price here will not immediately answer, they directly proceed further and very often sell at a less price to Leeward, whereas if the liberty of transporting provisions were allowed, they wou'd rather chuse to wait here till they knew the Leeward markets before they sent such provisions from hence ; besides for want of this liberty being allowed, the inhabitants are often obliged to buy those old provisions so long remaining in the Island, and which for want of a demand here wou'd probably have been exported, for while so large a quantity remains, the new and better that is afterwards brought, must either be sold at an advanced price, or immediately carryed away, and which possibly wou'd have been landed here, had the old been exported, and at as cheap a rate as they give for the old. Many more cargoes of provisions it is alleged wou'd be left here was there not this restraint laid on them, because if the factors here found they cou'd not possibly sell them for any profitt, and which it wou'd be to their advantage to do, rather then riske them further, they might at last take that method which now they are obliged to do immediately on the vessells' arrival, and notwithstanding these Acts being in force, perhaps as many provisions have been secretly transported without being discovered, as possibly wou'd be were they repealed. It very seldom happens that horses and asses are carryed from hence for traffick, after they are once landed, because the masters or owners of them are at some expence in bringing them on shore, and the charge of keeping them afterwards is very great, so that if it is found they bear no price here, they are immediately carryed further without being landed, nor do I think it a trade any person here will care to follow to buy horses and



1735. [183]

asses with an intent to send them elsewhere to make a profit of. Some of the planters apprehend that were the two last Acts mentioned by your Lordships and taken notice of by the merchants to be repealed, the French wou'd then import their rum, spirits, molasses, sugar and panells into this Island, and by underselling the planters here occasion the produce of this place to lye on their hands and thereby force them either to send it to another market or to sell it at a very low price, which will be very detrimental and greatly discourage them in their labour and industry. It is answer'd hereto that these French commoditys after paying the several dutys imposed on them by the English Act of Parliament, which is ninepence sterl. p. gallon on rum or spirits, sixpence sterling on molasses or syrups and four shillings sterl. p. cent. on sugar and pannells, cannot be sold for less then the planters can afford the produce of this Island, which being much preferable to the others, no person will chuse to buy them at as dear a rate, as they can have better for, but in proportion to the goodness, the planters may reasonably expect and be certain of a better price, for their commodity's, so that it is not probable they will be brought to the Sugar Islands for sale, for if there was an advantage in doing it, it is conceived they may legally be imported, notwithstanding these Acts, if the duty laid by the English Act of Parliament was complied with. Tho' were it even to happen that by the importation of French rum, sugar and molasses here, our own produce cou'd not be so readily sold yet as it is found by experience that in contempt of the late Act of Parliament, very great quantitys of these are still carryed to the northward, it is alledged that the same had much better be purchased in this Island, where the cash given for them wou'd then center, rather then it shou'd be carryed elsewhere, which prevents us reaping any advantage from it, and still occasions a less demand for our produce. As to the article of cotton, this Island of late has produced very little of that commodity, and as larger quantitys are generally wanted then we are able to supply, were they allowed to be imported, tho' it wou'd occasion our own to be sold at a less price then it generally is, yet it wou'd certainly be the means of having that money kept here which is carryed elsewhere for the purchase of it. If your Lordships will be pleased to consider the reasons given by the merchants for the repeal of these five laws with what I have mentioned concerning them, you'l be able to determine whether they ought to be repealed or not, and should your Lordships be of opinion for repealing you will be pleased to report to H.M. thereon, because as the planters differ so much in opinion, I question whether an Act to be made for repealing them wou'd pass the legislature here. I can't help, however, observing thus much that it seems very preposterous for us to desire this Island's being made a free port which surely wou'd be of vast service to it and its mother country, and yet be doubtful of repealing some laws of our own which restrains that freedom we so much wish and desire, but as your Lordships after considering this whole affair will be able to determine thereon better then we are, I am convinced whatever you shall think proper to do, therein will be for

1735.

[183]

the advantage of this Island. The merchants in their Report greatly complain of many hardships laid on trade by the Custom House officers and particularly mention their demanding large fees. This matter I am inform'd was represented to our late Governour who had a meeting of the merchants and Custom House officers in order to settle and accommodate the disputes between them, which he was not able to do, tho' I am told it then appear'd to his Excellency that many of the fees complained against appear'd to be taken for a very long time and were known to be so by the Commissioners of the Customs in England, however your Lordships will judge whether this plea of long custom is sufficient to entitle those officers to demand and take the fees they do or not, and if your Lordships should think they are entituled to those fees, they may hereafter take them with a better authority, as they ought to be satisfied to reduce them if your Lordships think them exorbitant. It is certain the port charges in this Island are very high especially on the small vessells who enter and clear many times a year which sinks most part of the profits arising from those voyages. I must again intreat your Lordships to consider the observations made by the Committee of the Council on H.M. Instructions referr'd to them which begin at page twenty-seven and as there are many things there taken notice of that deserve your Lordships' serious attention, I doubt not of your doing everything that is proper thereon, and if your should think this Report necessary to be laid before the Parliament, as we have thought it to be, and pass'd an Address to H.M. for that purpose, I am perswaded your Lordships will readily afford all the assistance you can for the desired relief. I need not again press the necessity there is of furnishing this Island with small arms in case of a war, which we are in no condition to purchase ourselves, if your Lordships believe what is sworn relating to the boasting of the French, you will think we ought to be supplied with all necessarys for the preservation of this Island. I intended to have wrote to the General of Martineco concerning the French being still settled at St. Lucia, but as I have heard he declared that was done without his consent, tho' the contrary is in proof, I should think the best method to make them entirely quit those Islands which are stipulated to be so, wou'd be for our men-of-war, on this and the Leeward Station to destroy and burn their habitations, and for the sake of plunder, they wou'd have many volunteers who wou'd gladly embark in driving them off those Islands. After I had wrote thus far of my letter, Capt. Carter arriv'd from London and deliver'd me a bill of loading and an inventory of fifty-seven pieces of ordinances with all things necessarily belonging to them, which H.M. has been graciously pleas'd to send us for the service of this Island in his vessell. I make no question they will be deliver'd in good order, and that nothing will be missing of what he reced., and I shall take care to dispose of them in the best manner I am capable for the end they were sent us, but must repeat my solicitation that your Lordships will be pleas'd to report in our favour as to the small arms. The Honble. Othniel Haggatt, Esqr., a very worthy gentleman and



1735. [183]

one of the Council here having dyed after I had wrote the foregoing whereby his seat in Council is become vacant, your Lordships will be pleased to think of some person to supply it, and if Mr. Ashley be still continued a member, I entreat your Lordships' favour in recommending Abel Dottin, Esqr., in Judge Haggatt's stead, but should he happen to be appointed in the place of the other gentleman I then take the liberty of proposing to your Lordships Colonel John Maycock, Esq., as a proper person to be appointed one of H.M. Council here in the other vacancy. I have enclos'd your Lordships one year's account of the Treasurer and cou'd mention many other things concerning this Island but as I am afraid that I have been already too long in trespassing on your time I shall omit adding further at present *etc.* *P.S.*—Dec. 4, 1735. The vessell staying longer than I expected the Clerk of the Council was able to compleat copys of the Minutes of the Council for the last six months, which your Lordships will receive herewith and duplicates of the last Minutes formerly transmitted, I have also sent your Lordships a copy of a letter wrote by my direction to Capt. Reddish with his answer thereto, and another letter I thought proper to write to the General of Martineco, and hope my conduct in that affair will be approved of by your Lordships. *Endorsed*, Recd. 6th Feb., Read 9th April, 1736. 7 large pp. *Enclosed*,

183. i. President Dottin to the Marquis de Champigny, Governor of Martinique. Barbados, Pilgrim, 4th Dec., 1735. *Abstract*. The English readily complied with the orders for evacuating Sta. Lucia, St. Vincents and Dominico. But "I am concern'd to find from several depositions, that the subjects of His Most Christian Majesty, only for form sake lock'd up their doors, but moved none of their effects and went over to Martineco, and in a few days afterwards return'd back again to St. Lucia, where they still abide, are more numerous than ever, improve more land, grow very rich, take upon them to sell the lands in fee, employ English shipwrights to build vessells there for their own use, and that a very profitable and advantageous trade is carryed on between them and the people under your Excellency's government" *etc.* *Continues*: I doubt not but from your Excellency's known honour and probity you will take such methods as shall be proper to compel the persons still remaining there immediately to remove from thence, especially since some of them have had the assurance to pretend what they have done was by your Excellency's order, alledging you told them they had fulfilled their King's order in removing thence for a time" *etc.* Capt. Reddish, H.M.S. *Fox*, will deliver you this, and be ready to act in such manner as is proper to have these orders duly complied with, *etc.* *Hopes* on Capt. Reddish's return to be informed that the island is entirely evacuated, otherwise such methods must be taken as are

1735. [183 i.]

necessary for the enforcing a punctual compliance. *Signed*, James Dottin. *Copy*. 1 large p. *For these enclosures see also below 4 Dec., 1735, No. 188 ends, i-iv.*

183. ii. Deputy Secretary of Barbados to Capt. Reddish, R.N. 29th Nov., 1735. *Abstract*. By the President's command, forwards to him copies of H.M. and the French King's orders for evacuating Sta. Lucia, St. Vincents and Dominico, with above information. There are said to be 200 French families now on Sta. Lucia, £4,600 worth of cotton was produced from only 4 plantations there, besides great quantities of cocoa, coffee, tobacco, ginger, sugar and timber *etc.* The President is of opinion that it will lend very much to H.M. service if Capt. Reddish with Capt. Herbert will visit that island, and if what is here reported upon oath be found to be true, consider how far he may by the orders from the two Crowns be justified in driving the present inhabitants thence, and whether they may not with good right be plundered and dispossessed of what they now have there, for the sake of which he may possibly meet with as many volunteers as he may care to take *etc.* *Signed*, William Duke. *Copy*. 1 $\frac{3}{4}$  pp. *Nos. i and ii endorsed as covering letter.*
183. iii. Capt. Reddish to Mr. Duke. *Fox* in Carlisle Bay. 1st Dec., 1735. In reply to preceding, will be ready to meet and consult whenever his Honour thinks proper to call a Council *etc.* *Proposes* to sail in two or three days for St. Lucia, and will leave orders for Capt. Herbert, H.M.S. *Diamond*, to follow, if he has not returned from his cruise before his departure. *Signed*, H. Reddish. *Endorsed as covering letter*. *Copy*.  $\frac{1}{2}$  p.
183. iv. Mr. Duke to Capt. Reddish. Dec. 4, 1735. In reply to preceding, the President thinks it absolutely necessary for H.M. service that Capt. Reddish proceed to Martineco and inform the Governor there of the account His Honour has received of the settlements *etc.* lately at St. Lucia, delivering enclosed letter *etc.* The Governor will then no doubt be ready to do what is proper therein, making it "unnecessary for us to use violent means, which his Honour thinks with you, will at present be improper to be taken till further directions from home" *etc.* *Signed*, William Duke. *Endorsed as preceding*. *Copy*.  $\frac{3}{4}$  p.
183. v. Treasurer's accounts of money received and paid upon account of duties of liquors and new negroes imported, June 13, 1734-1735. Shows balance of £2,416 0s. 10d. *Signed*, Jno. Bignall, Trear. *Endorsed as preceding*. 18 pp. [*C.O.* 28, 24. ff. 152-159 v., 160 v.-164, 165 v.-170 v.]

Dec. [ ]. **184.** Mr. Martyn to Lt. Governor Broughton. The Right Georgia Office. Honble. Earl of Egmont having communicated to the Trustees



1735.

[184]

for establishing the Colony of Georgia in America your letter to his Lordship of October last, together with a Memorial of the several merchants of Charles Town concerning the Indian trade, the affidavits of several traders to the Creek nations, and also copies of two letters from the Govr. of St. Augustine, and one from the Commandant of Mobile relating to the conduct of Captain Patrick Mackay ; The Trustees immediately took the same into consideration, and they have order'd me to acquaint you, that it do's not appear to them, that the said Patrick Mackay himself claims to have acted under any Commission or Instructions relating to trade, but what were given him by his Excellency Robert Johnson, Esqr., late Govr. of South Carolina ; which Commission and Instructions not having been produced to the Trustees, they leave the said Patrick Mackay to answer for his conduct therein to those from whom they issued. The Trustees find the Commission and Instructions given to the said Patrick Mackay by James Oglethorpe, Esqr., relate only to the building of a Fort in the Indian Country, and the command of a Company in garrison there. They have given instructions to Mr. Oglethorpe to inquire into the several crimes laid to the charge of the said Mackay, and on proof of any such as are cognizable by them, they will take care that such punishment shall be inflicted on him, as he shall appear to deserve. And they hope that no misbehaviour of his (which will never receive any countenance from them) shall give any interruption to the friendly and generous assistance given to their infant colony by the Province of South Carolina. The Trustees, being justly sensible Sr. of the ill consequences that would unavoidably happen to the Provinces of Carolina and Georgia on a rupture with the French and Spaniards, have all along given such directions to their Magistrates and Officers as tend most to cultivate a friendship and good understanding with them : and hope they need not assure you that it was with the utmost grief and concern they heard of the murder committed on a Spaniard by Licka ; as soon as that fact came to their knowledge (which was previous to the receipt of your letter) they immediately gave directions that a strict inquiry should be made after the offenders, in order for their punishment, and sent the enclosed letter to Mr. Oglethorpe to dismiss the said Patrick Mackay from their service. As to the privilege and liberty of trading with any nation of free Indians under H.M. protection, the Trustees direct me Sr. to acquaint you, that they pretend to no exclusive right : But they apprehend that you must agree with them in opinion that no trade with the Indians can be carried on to any good effect, unless under some proper regulations ; and H.M. having by an Act lately passed in Council in his great wisdom determin'd what those regulations within the Province of Georgia shall be, the Trustees for your information have herewith inclosed the said Act. As to the militia of the Province of Georgia the Trustees, not imagining they should have people in Georgia capable of commanding in Chief, desired, that in their Charter, on all extraordinary occasions, where a Commander in Chief of the Militia of both Provinces

1735. [184]

should be necessary to take the field, that the command might be placed in the Governor of South Carolina for the time being, for the common safety of two Provinces so closely united. But in all ordinary cases, the command of the Militia by the antecedent clause in their charter is placed in the Trustees, and such person or persons as they shall appoint ; and therefore it is not without the utmost concern, that the Trustees observe the order you was pleased to send to the Militia in Georgia, and cannot but reflect with great uneasiness on the ill consequences that might have attended the execution thereof, which so directly tended to the dissolution of civil government, and might have exposed the Colony defenceless to the greatest dangers ; and might even have proved of the greatest ill consequence to South Carolina itself, if what was then expected (a rupture between Great Britain, France and Spain) had happen'd. The Trustees have inclosed with this their annual account from the 9th of June, 1734, to the 9th of June, 1735, which was (pursuant to their Instructions in their Charter) lately deliver'd to the Rt. Honble. the Lord High Chancellor, and to the Honble. the Master of the Rolls ; by which account you will see, Sr., the just sense the Trustees have of the obligations which the Colony of Georgia has receiv'd from the Province of South Carolina, and their desire to perpetuate the remembrance of the same. *Signed*, Benj. Martyn, Secretary. *Endorsed*, Recd. [by the Board of Trade and Plantations] (from the Georgia Trustees), Read 18th Dec., 1735.\* 3½ pp. *Enclosed*,

184. i. Copy of letter from Mr. Martyn to Capt. Mackay, 10th Oct., 1735. *Same endorsement*. 1 p.

184. ii. Lt. Governor Broughton to the Earl of Egmont. Charles Town. Oct. [—], 1735. Encloses Memorial of Merchants and affidavits of Indian traders (v. Oct. [—] *encl.* iv.), complaining of the conduct of Capt. Mackay. *Copy*. *Same endorsement*. 3 pp. [C.O. 5, 365. ff. 62, 63–64 v., 65 v.–67 v.]

Dec. 1.  
Newport on  
Rhode Island.

**185.** Governor and Company of Rhode Island to the Council of Trade and Plantations. *Reply* to enquiry of 17th June as to laws in force laying duties on British trade and shipping etc. :— We had not then [1731], nor have now any act or law in this Colony that lays any duty or imposition on the trade or shipping of Great Britain : or on the importation or exportation of any goods, wares or merchandizes whatsoever. But some few years before that time, we had only a duty of three pounds this currency pr. head on negroes imported from the West Indies (and then exempted therefrom all directly from Africa), which Act was immediately repealed upon the receipt of an Order from your Honble. Board. *Signed*, By order and in behalf of the Governor and Company etc., John Wanton, Govr. *Endorsed*, Recd. 4th Feb., Read 20th Oct., 1736. 1½ pp. [C.O. 5, 1268. ff. 208, 209 v.]

\* From the Journal, 17, 18 Dec. 1735, p. 82, we learn that this was a letter which the Trustees for Georgia designed to send to Lt. Gov. Broughton and which they submitted for the information of the Board.



1735.

[Dec. 3.]

**186.** Mr. West to the Council of Trade and Plantations. *Abstract.* Reports objection to Act of St. Christophers, 1723, to prevent abuses in importation of wheat, flour etc. and bottled liquors, that, as it creates a forfeiture of liquors imported otherwise than according to the directions therein prescribed, it affects the trade of Great Britain. He has no objection to the provisions of the Act, "but as our merchants may lose their goods, who have no notice of the Act, I submit to your Lordships what remedy ought to be taken to prevent it." Has no objection to two other Acts of the island in 1723. *Signed,* Richard West. 29th May, 1725. *Endorsed,* Recd. 3rd Dec., 1735, Read 3rd Dec., 1735. 1 p. [C.O. 152, 22. ff. 5, 8 v.]

Dec. 3.  
Whitehall.

**187.** Mr. Popple to Mr. Kay. *Acknowledges* the receipt of letters in relation to the Acts passed in Rhode Island for emitting of paper money and for raising of powder on the tonnage of shipping. *Continues* :—My Lords Commissioners are not yet come to any resolution about these laws, but desire you will be very watchfull and give me the earliest intelligence, for their Lordps.' information of any law they may pass, which may in the last degree contradict any law of this Kingdom. [C.O. 5, 1294. p. 82.]

Dec. 4.  
Barbados.

**188.** President Dottin to the Duke of Newcastle. *Abstract.* *Refers to* letter of Oct. 21 recommending Abel Dottin for the Council, but since finds that Charles Dunbar was appointed to succeed to the first vacancy. *Represents that* it has been lately discovered John Ashley is much more encumbered than the value of his estates, though he is well qualified in every other respect, but since that discovery he has neglected to attend his duty. *Submits* whether he ought to be continued as a Councillor. Othniel Haggatt is dead, and there are now only seven Councillors besides himself residing in the island, Messrs. Colleton, Peers and Dunbar being absent, recommends Abel Dottin and Col. John Maycock to fill vacancies. *Encloses* duplicates of Minutes of Council formerly transmitted, and copy of the last six months' Minutes. *Continues* : As I observe that an account from time to time was directed by H.M. Order to be transmitted how the agreement for evacuating the Islands of St. Lucia, St. Vincents and Dominico was observed on both sides, your Grace will perceive by looking over the Minutes of Council of the Twenty-eighth of October last wherein is incerted a long report of the members of that board on an enquiry made by them of the state, condition and trade of this and the rest of the West India settlements in pursuance of H.M. Instructions, how very little the French have regarded that order and what improvements have been made by foreign nations of all the West Indies settlements while the British are so far from improving theirs that they decline daily more and more. There are several things in this report that may be improved to the advantage of the Nation, if your Grace will be pleased to consider it, tho' I fear the length will take up more of your time then can be well spared for that purpose. I have likewise sent your Grace a twelve months accounts of the Treasurer

1735. [188]

and also the copy of a letter which I order'd to be wrote to Capt. Reddish concerning St. Lucia, and as this Island was at considerable expence in having H.M. Order publish'd in that Island which has produced no other effect then dispossessing our own subjects to the advantage of the French, the Legislature here has done nothing therein since the third of October one thousand seven hundred thirty-three where your Grace will find the letters pass'd between his late Excellency and the General of Martinico enter'd in the Minutes of Council of that date, and had those orders been publish'd in the other Islands, it is probable they wou'd use the same means to evade it there, as they have done at St. Lucia. I have not yet been honour'd with any of your Grace's commands, which I shall always take great pleasure in executing in the best manner I am able, *etc.* Signed, James Dottin.  $1\frac{3}{4}$  pp. *Enclosed,*

188. i. President Dottin to the Governor of Martinique. Pilgrim. Dec. 4, 1735. The Orders of the Kings our Masters for evacuating the Islands of St. Lucia St. Vincents and Dominico being duly published according to their tenor in the first of those Islands, I imagined the subjects of both nations residing thereon wou'd punctually have complied therewith by the time limited in those orders, and not have ventured by their disobedience to incurr their Sovereign's highest displeasure, and at the same time that it gives me great satisfaction to be inform'd that the English readily complied and obeyed, I am concern'd to find from several depositions laid before me, that the subjects of His Most Christian Majesty, only for form sake lock'd up all their doors but moved none of their effects and went over to Marteneco, and in a few days afterwards return'd back again to St. Lucia, where they still abide, are more numerous than ever, improve more land, grow very rich, take upon them to sell the lands in fee, employ English shipwrights to build vessells there for their own use, and that a very profitable and advantageous trade is carry'd on between them and the people under your Excellency's government. As it plainly appears to be the intention of the Kings our Masters that all these Islands shou'd remain neuter till the right to them was absolutely determin'd, and that none of the subjects of either Sovereign should have a better right to remain thereon than the other till that was finished, it greatly surprized me to hear that St. Lucia was better settled by the French after the order had been publish'd there then it had been before, when the English so readily quitted it, so that the order instead of having the intended effect proves only to the disadvantage of the latter, and profit of the former *etc.* I doubt not but from your Excellency's known honour and probity you will take such methods as shall be proper to compell the persons still remaining there immediately to remove



1735. [188 i.]

from thence, especially since some of them had the assurance to pretend what they have done was by your Excellency's order, alledging you told them they had fulfill'd their King's order in removing thence for a time, as I am commanded to transmit an account to my Master from time to time how these orders are comply'd with, my duty oblig'd me to send him this information and I have also acquainted Capt. Reddish Commander of H.M.S. the *Fox* thereof, who will do me the favour of delivering you this ; and be ready to act in such manner as is proper to have these orders duly complied with. Had any of the English subjects presumed to have acted in this manner, I should not have look'd on them as under my protection since they voluntarily chose to continue in a place which was directed to be evacuated and therefore they were necessary to any mischief that befell them there, and I question not but your Excellency will think the same of the others who are still on that Island. I shall be exceedingly concern'd that anything should happen to disturb the good agreement that has subsisted between your Excellency and myself since I have had the honour of administering the government of this place, but as this is a matter I cou'd not avoid taking notice of without being guilty of a breach of my duty, I thought myself obliged to acquaint your Excellency therewith and hope on Capt. Reddish's return, to be inform'd that the Island is entirely evacuated in the manner it was directed by our Masters to be, otherways such methods must be taken as are necessary for the enforcing a punctual compliance. *Signed, James Dottin. Copy. 2 pp. For these enclosures see also above No. 183, encl. i-iv.*

188. ii. Deputy Secretary William Duke to Capt. Reddish, R.N. Dec. 4, 1735. Secretary's Office, Barbados. President Dottin thinks it necessary for H.M. service that he proceed to Martinique and inform the Governor *as in preceding*. He agrees with Capt. Reddish that it will be improper to take violent measures till further directions are received from home. *Signed, William Duke. Copy.  $\frac{3}{4}$  p.*
188. iii. *Same* to *Same*. Nov. 29, 1735. *Encloses* copies of H.M. Orders for evacuating of the above islands, acquaints him with depositions showing French action in St. Lucia. *Asks* his opinion whether they may not with right be plundered and dispossessed of what they now have there, for the sake of which he may possibly meet with as many volunteers as he may wish. *Suggests* that he consult the other officers of the Squadron for this purpose. *Signed, William Duke. Copy. 2 pp.*
188. iv. Capt. Reddish to Wm. Duke. *Fox* in Carlisle Bay. Dec. 1, 1735. *Reply to preceding*. Will be ready to meet and consult on that affair and the trade of the island, whenever the President thinks fit to call a

1735. [188 iv.]

Council. Proposes to sail for Sta. Lucia in two or three days and will examine the state of affairs there, and will leave orders for H.M.S. *Diamond* to follow him. *Signed*, H. Reddish. *Copy.*  $\frac{3}{4}$  p. [C.O. 28, 45. ff. 337, 337 v., 339-340, 341-342.]

Dec. 5.  
Whitehall.

**189.** Mr. Popple to Mr. Fane. *Encloses* an Act passed at St. Xtophers in June 1735 *for regulating seamen and sailors and obliging all masters of ships to take care of their sick seamen*, for his opinion in point of law. [C.O. 153, 16. p. 33.]

Dec. 5.  
London.

**190.** Richard Coope, Agent for St. Christophers, to the Council of Trade and Plantations. A scheme and reasons for the settlement of Crabb Island. Above 300 familys have lately retired from Antigua, St. Christophers, Nevis and Montserrat for want of land and encouragement there, to Anguilla, Tortola and Spanish Town, 3 barren islands, and about 100 more familys for the same reason or for debt have fled to St. Martins, Sta. Crus and St. Thomas's. All these gathered together and settled might be of great service to the Leeward Islands as well as to Great Britain. We have a very fine island called Crab Island close to Puerto Rico about the bigness of St. Christophers where these dispersed familys would unanimously go, settle and fortifie if they could obtain protection for one year from the Spanish piracy and murders from Puerto Rico. The protection and other supplys necessary on this occasion, and which it's apprehended wou'd effect their settlement are (vizt.) two small men-of-war on the Leeward Island station to attend them, four companys of the Regiment stationed there with a field officer to command them, 20 dozen of shovels, spades and pickaxes, with some mattock hoes, four eighteens, four twelve and twelve six-pounders well mounted, and six four or three-pounders with rammers *etc.* and ammunition proportionable, and 200 barrels of beef *etc.*, *etc.*, for the soldiers for the first year. This will be but a trivial expence to the Crown, if the great advantages be considered :—the pirates of Puerto Rico would be prevented from coming among the Leeward Islands; ships bound to Jamaica would be protected, the French in case of war prevented from carrying prizes into Sta. Crus and St. Thomas's, and the persons would be discovered who carry provisions and stores to those neutral islands to enable the French to destroy us and our trade. The Sugar Islands would be relieved from an unsufferable want of timber for mills, houses *etc.* occasioned by ye Danes settling at Sta. Crus. This might be a proper time to begin this settlement, while there is a Governour of the Leeward Islands, whose knowledge of the Colonys, skill in military affairs and zeal to pursue everything to render them safe and flourishing may make the attempt most likely to succeed. *Endorsed*, Recd., Read 5th Dec., 1735. 1 p. [C.O. 152, 22. ff. 14, 17 v.]

Dec. 5.  
Edenton.

**191.** Governor Johnston to the Duke of Newcastle. *Encloses* Journals of the Council and Assembly. *Continues*: According



1735.

[191]

to my Instructions I have erected a Court of Exchequer in order to do His Majesty justice in his revenue which has been very much lessen'd by the fraudulent practices of several persons, who hold vast quantities of land by false tenures at low quit rents, and by the help of that Court I look upon myself to be in a fair way of making them glad to hold their lands at the full quitrent requir'd by H.M. Instructions. I have been obliged to appoint a Reciever of H.M. Quitrents who resides within the Province, he has already collected £1,200 sterl. of arrears, and before Lady Day I don't at all doubt but he will collect three times that sum, which is more than was collected in this Province during all the time it was held by the Lords Proprietors. I am now doing all that lyes in my power to settle and retrieve the affairs of this Colony, particularly with regard to its trade, of which I hope to be able in a few months to give your Grace a more particular account. *Signed, Gab. Johnston. Endorsed, R. 5th May. 1 p. Enclosed,*

191. i. Minutes of Council, N. Carolina, April 23—13 Sept., 1735. 20 pp. [C.O. 5, 309. Nos. 7; 8.]

Dec. 5.  
Edenton.

**192.** Governor Johnston to the Council of Trade and Plantations. Your orders of the 17 of June last did not come to my hands before the latter end of Octr. and this is the first opportunity by which I could inform your Lo. that there is not now, nor has been in any former time that I know of, any duty in this country upon any sort of goods imported, except a small impost upon wine, beer, cyder, rum and arack not imported from Great Brittain, of 18 per gallon this currency, that is about 2½d. sterling, which was laid on last Sessions of Assembly for defraying the charges of Government. There is likewise a duty upon shipping which is called powder money of 3s. this currency per ton. I send your Lordships by this conveyance the register of the Upper and Lower House last Sessions of Assembly, as also a copy of the laws which were then passed, a list of the officers' fees in currency and sterling money, and also a copy of the laws of this Province or what they call their laws, for except six there was never any of them ratified as the Charter directs, upon which account whenever I found any of them which incroached upon H.M. prerogative or revenues, I took advantage of that defect and would not allow that they were laws, some of them are so very gross, and invade the rights of the Crown so plainly, others are so unjust in matters of private life, that I could not help pointing them out to your Lordships, and I hope you will with the first opportunity advise H.M. to[? repeal] them for untill that is done they will be eternally . . . about them. [*Since I ha*]d the honour to write to your Lo. the collection [*? of the first moi*]tie of the arrears of quit rents for Albemarle County was not finishd. I find the Reciever and his assistants then collected £1,200 ster. They are now about the second moiety of arrears, which I am satisfied will amount to double that sum and in March next they proceed to collect the whole arrears for the county of Bath; notwithstanding Hammerton's insolent attempt the people pay very quietly, and as we make them show their deeds by which they hold their lands,

1735.

[192]

I believe we shall have a very exact rent roll, tho' it costs a good deal of trouble and charge; the collecting H.M. rents with so much spirit as has been done in this Province, is not only the best method of getting a good quit rent law next Assembly, but is really in some respects better than if we had got a good one last Sessions, because it shews the people that the King will have his right, whether they or their Assemblys consent to it or not, which is a very new sort of doctrine to them. The only remains of faction in this Colony is kept up by Mr. Mosely and the Moors the principal proprietors of the blank patents, they have burnt the light wood and box'd the trees of most of the poor pine land, and consequently rendered it unfitt for anybody to take up, and now they want to hold the rich land at 6*d.* per 100 acres. I hope your Lo. have sent me before this time full directions how to proceed in this affair in answer to my two last, and to the state of the blank patents; I should be glad to know if my predecessor sent home the Proprietors' Seal, after H.M. purchase, because I have heard of some quires of Blank patents lately seen in a private person's custody all subscribed wt. the names of the Proprietors Council, but [*? not*] sealed, now if the seal be still in the Province, there will be [*? no*] end of the patents. *Signed*, Gab. Johnston. *Endorsed*, Reed. 10th May, Read 21st Oct., 1736. *Holograph*. 2 *pp.* *Enclosed*,

192. i. Lists of Governor's and Officers' fees in N. Carolina. *Same endorsement*. 5 *pp.* [*C.O.* 5, 295. *ff.* (*with abstract*) 23-24, 25 v.-28 v.]

Dec. 5.  
Whitehall.

**193.** Mr. Popple to Mr. Burchett. I am commanded by my Lords Commissrs. for Trade and Plantations, to desire that you will please to move the Lords Commissrs. of the Admiralty, that my Lords may have an account of the number of ships of war, stationed in America, of what strength, and in what ports they are stationed. [*C.O.* 324, 12. *p.* 126.]

Dec. 5.  
Portsmouth,  
New Hampshire.

**194.** Lt. Governor Dunbar to the Duke of Newcastle. As this part of H.M. Dominions is more immediately under your Grace's direction, and as I have the honour to be Leiut. Governour here, I beg leave to address your Grace in behalf of a great number of the inhabitants who are so well inclined to the Church of England, and so resolved, that they have built a handsome church and steeple by a voluntary contribution, which is now soe near finished that it is fit for divine service, it is the first that ever was attempted in this H.M. province; the people thus disposed were encourag'd to build a church upon presumption that the Society for Propagating the Gospel, would, upon application allow a missionary, and accordingly they sent home a petition, and I at ye same time had the honour to write to my Lord Bishop of London to both which we have had obligeing answers, that the Society were concerned they were not able to grant our request; the people here have exerted themselves in building the church and are not really able to maintain a minister without assistance, I therefore beg leave to intercede with your Grace to recommend



1735.

[194]

to H.M. that he would be graciously pleased to extend His Royal Goodness to this his owne province in allowing a minister or chaplain here as at Boston, and H.M. wonted bounty in books and ornaments for the communion table and pulpit, and Govr.'s seat ; I would not presume to mention such, but that there have been two instances of such bounty at Boston since I have been in America, and I hope as this is the first that ever was in New Hampshire I may have the pleasure and honour of succeeding in my petition to your Grace. Some of the Society's missionarys have been so kind as sometimes to visit us from the neighbouring provinces, and to administer the Sacrament to several who never had ye like opportunity before ; among those gentlemen, one Mr. Arthur Brown, missionary from Providence near 120 miles from hence, is exceedingly liked and desired by the people here, who in their petition to the Society, earnestly intreated a new one might be sent to Providence and Mr. Brown removed hither, and if H.M. is graciously pleased to grant an allowance for a chaplain here, I humbly pray yt. Mr. Brown may be appointed, it will be an honour and extraordinary favour to me and I have now intreated my Lord Bishop of London to recommend him to your Grace, he is knowne to his Lordship who I hope is satisfied of sufficient reasons for Mr. Brown's being here. I cannot say that the Chief Governour is privy or consenting to my petition, but I dare promise he will not trouble your Grace wth. any of the kind, he is so great and so open an enemy to the Church, that many men here industriously conceal their inclinations for it, for fear of his displeasure, his treatment of me is layd before your Grace, which is more grievous to me than my sufferings at Malaga, and from which I please myself with immediate reliefe. Capt. Thomlinson, our Province Agent, has the honour to wait upon your Grace with this, from, my Lord, your Grace's most dutyfull and most obedient servant. *Signed*, David Dunbar. 3 pp. [C.O. 5, 10. ff. 104-105.]

Dec. 8.  
Annapolis  
Royal.

**195.** Lt. Governor Armstrong to the Council of Trade and Plantations. I did myself the honour to write to your Lordships in January last in answer to your letter concerning Mrs. Campbel etc. since which time I have not been honoured with any of your Lordships' commands. According to my design formerly communicated to your Lordships, I took a tour up the Bay of Fundy, and to Canso, which took up my time all last summer ; from which, I make no doubt, your Lordships will expect an account of the state of the Province ; and this I can do in a few words : for as we have no trade carried on, nor manufactures set up, your Lordships from thence will be convinced, that our French inhabitants answer the charracter that I, several times, gave of them : they indeed multiply very fast and grow exceeding numerous ; but this does not induce them to industry, as might naturally be expected ; tho' it much contributes to feed that spirit of rebellion that reigns amongst them, which can never be quel'd unless a strong blockhouse was built, and a good number of soldiers placed in it, to keep them in awe ; for it is impossible that, at this

1735. [195]

distance, we can keep them in any order ; and they look upon the garrison of Annapolis with such contempt, that they seem not to be in the least afraid of anything that can be done or said here ; and they are daily inciting the Indians to give us trouble, and to make them believe that the King of Britain has no right to the lands up the Bay of Fundy, whatever he may pretend to those about Annapolis ; and those ignorant creatures make use of this argument upon every occasion ; and tho', by fair words and promises, I endeavour to keep them in temper, yet I must observe to your Lordships that unless the Government follow the same method that the French King takes to secure them to his interest, no other will prevail ; and that is by sending over annual presents, which I have so often mentioned to your Lordships, and must beg leave to continue my remonstrances untill such time as your Lordships will be pleased to favour me with an answer. As for Canso, I begin to despair of ever seeing that place put in a state of defence. I have so often represented the consequences that may attend it, that, I hope, none will blame me if any accident should happen : And indeed I am surprized that the Government does not take more notice of that important place, which, not only, increases the yearly revenues of the Crown, but is the key to this part of North America ; and if this should fall into the hands of the French, as it certainly must some time or another, unless care be taken to prevent it, nobody knows of what fatal consequence it might prove to H.M. interest in this part of the world. I submit the whole to your Lordships' judgment *etc.* Signed, L. Armstrong. Endorsed, Recl. 12th March, Read 6th May, 1736. 4 pp. [C.O. 217, 7. ff. 165-166 v., 167 v.]

Dec. 8.  
Whitehall.

**196.** Order of Committee of Council. Referring following to the Council of Trade and Plantations. Signed, Temple Stanyan. Endorsed, Recl. (from Mr. Hucks), Read 16th Dec., 1735. 1 p. Enclosed,

196. i. Petition of Trustees for Georgia to the King. Petitioners are well informed that endeavours are using to obtain from the Lieut. Governor of S. Carolina, grants of lands to the South of the River Alatamaha, and being apprehensive that any attempt of making such settlements will necessarily involve both the Provinces of Carolina and Georgia in a warr with our Indian and other neighbours *etc.*, pray that said Lt. Governor may be instructed by H.M. not to permit the running out of any lands, or making any such grants to the southward of the River Alatamaha. Copy. 1 p. [C.O. 5, 365. ff. 58, 59, 61 v.]

Dec. 8.  
Admiralty  
Office.

**197.** Mr. Corbett to Mr. Popple. In reply to Dec. 5th, encloses following. Signed, Tho. Corbett. Endorsed, Recl. 9th, Read 10th Dec., 1735.  $\frac{3}{4}$  p. Enclosed,

197. i. List of ships stationed in America, their rating, stations, men and guns. v. Admiralty lists.  $\frac{3}{4}$  p. [C.O. 323, 10. ff. 43, 44, 45 v.]



1735.

Dec. 8.  
Whitehall.

**198.** Order of Committee of Privy Council. Referring Act of Pennsylvania, *for the more effectual vesting certain lands in George McCall* etc. to the Council of Trade and Plantations for their report thereon. *Signed*, Temple Stanyan. *Endorsed*, Recd., Read 18th Dec., 1735.  $\frac{3}{4}$  p. [C.O. 5, 1268. ff. 180, 183 v.]

Dec. 8.  
Annapolis  
Royall.

**199.** Lt. Governor Armstrong to the Duke of Newcastle. Altho' I have not been honoured with any of your Grace's commands this long time past, yet I thought it my duty to let you know that the Government and regiment under my control enjoy health and tranquility. All last summer I employed in visiting Canso and other parts of this Province, and am sorry that I can't give your Grace a satisfactory account of that place, from whence the Crown of Britain yearly receives considerable sums by the returns for the fish ; and I am perswaded if there was a fortification built at Canso, it would be very flourishing ; it is true indeed that there is a very good blockhouse of late erected there ; but this only is good against the Indians, but of no manner of use, in case the French should take it in their heads to give us disturbance. As for the French inhabitants up the Bay of Fundy, and upon all that coast, I found them, upon my arrival there, very submissive, tho' I have great reason to believe it proceeded only from policy ; for I know them to be a very rebellious crew, if any opportunity offered to favour their designs ; and they are always inciting the Indians to give us trouble. And those poor ignorant wretches are so guided or led by the French, that they will not scruple to do any base action at their desire ; and nothing can secure them to our interest, but annual presents, which I beg your Grace would be pleased to move H.M. to send us, for without that, we can never expect to depend upon their friendship ; and it is by such means that the French King has got them over to favour his cause. I make no doubt but your Grace knows of Governor Hart's designs to make a settlement in this Province, to forward which I made out a Patent in his favour, of some lands up the Bay of Fundy, according to the Minute of Council I received for that purpose. If any manufactures or other branch of trade is set up in any part of this Province, I will not fail to send your Grace an account thereof ; but as yet I am sorry to say there is none : the fishery at Canso is the only thing of value in this Province, which, if encouraged, will turn to good account. *Signed*, L. Armstrong. *Endorsed*, R. 12th March. 3 pp. [C.O. 217, 39. ff. 173-174 v.]

Dec. 11.

**200.** Mr. Fane to the Council of Trade and Plantations. Report upon Act of Jamaica, 1735, *for the more effectual directing the Marshall's proceedings* etc. *Continues* : I have been attended by Mr. Forbes, the Provost Marshall of this Island who complains of this Act as greatly affecting the employment which he now enjoys by virtue of a grant from the Crown both as to the execution and the profits of it etc. *Refers to enclosure. Continues* : Tho' regulations of this sort may be very useful and necessary, yet such regulations should in my opinion be so

1735. [200]

contrived as not to make ineffectual a beneficial grant from the Crown ; But if there had been any just foundation for the complaints mentioned in the preamble of this Act agst. the Provost Marshall, the law was open, and a proper redress might have been had in a due course of law. I beg leave further to observe to your Lordships, that an Act was passed in this island for regulating fees in 1711, and confirmed in 1715. This Act with regard to the fees of this office is so much a repeal of that law which has been confirmed by the Crown. But I do not observe that there is the least mention made of that law in any part of this, nor is there a clause suspending the execution of it, till H.M. pleasure is known thereupon. *Signed*, Fran. Fane. *Endorsed*, Recd. 11th, Read 16th Dec., 1735.  $1\frac{1}{2}$  pp. *Enclosed*,

200. i. Remarks upon the Provost Marshall's Bill. [*By Mr. Forbes.*] Explains the difficulties and hardships imposed upon the Provost Marshall by this act of Jamaica, which at the same time reduces his fees and obliges him to be "at very extraordinary trouble, risque and expence in the execution of his office" etc.  $3\frac{1}{2}$  pp. [*C.O.* 137, 22. ff. 15-17 v., 18 v.]

Dec. 11.  
Whitehall.

**201.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following. [*C.O.* 195, 7. p. 403.] *Auto-graph signatures.* 1 p. *Enclosed*,

201. i, ii. Extract from Capt. Lee's answer to Heads of Enquiry No. 5, and account of ordnance stores and garrison at Placentia. v. Sept. 29. 5 pp. [*C.O.* 194, 23. ff. 221, 224, 226-227 v.]

Dec. [12].

**202.** Address of the President, Council and Assembly of Barbados to the King. Dread Sir, The ordnance your Majesty was graciously pleas'd to direct for the use of this island, consisting of 57 peices of cannon, with their carriages and necessary utensills, being arrived, we chearfully embrace the first opportunity of returning our most humble and hearty thanks for the same, as also for the seasonable alteration that has been made in the severe method of collecting the duty of four and half p. cent., and could we so far prevail on the royal favour as to obtain likewise in due time ten small field peices to compleat our train of artillery with a proportionable quantity of small arms and other accoutrements, we shou'd not doubt being able to protect this your Majesty's Colony from all hostile attempts etc. *Continue* :— What we have in all humility now mention'd, as to smal arms, is what ought to be furnish'd by and amongst ourselves ; but so unfortunately backward are we in our circumstances, and so incumber'd already with publick and private debts, by reason of a declining trade, and the low prices our commoditys have yeilded of late years, that it is morally impracticable to raise new funds, or even to put our municipal laws in force, relating thereto, without the hazard of incurring very great inconveniencys ; and shou'd there consequently happen any sudden turn in the affairs of Europe which may affect these parts, in the condition we now



1735. [202]

are, numbers of your Majesty's able subjects would be found to have zealous hearts only without anything else to oppose the enemy *etc.* *Signed*, James Dottin, Prt., 17 Councilors, Hen. Peers, Speaker, and 14 members of Assembly. 2 large pp. [C.O. 28, 45. ff. 343 v., 344.]

[? Dec. 12.] **203.** Address of the Grand Jury of Barbados to the King. Humbly acknowledge with deepest gratitude their share in the benefits of H.M. most auspicious reign, especially for the stores of war referred to in preceding, and the alteration with regard to the collection of the  $4\frac{1}{2}$  p.c. "The difficultys we labour'd under on account of certain modern instructions to the Officers of the Customs wou'd hardly have been tolerable another year" *etc.* *Signed*, George Forster, Jon. Holloway, Elf. Goulding, Steph. Butcher, Anthony Archer, Jon. Pile (?), Phil. Jackman, Geo. Bishop, Wm. Smith, Saml. Wood, Joseph Bayley, John Rawlins, Benja. Smith, Jona. (?) Francklin, Peter Bascom, Jos. Palmer, Edward Henery. 2 large pp. [C.O. 28, 45. ff. 345 v., 346.]

[? Dec. 12.] **204.** Address of President, Council and Assembly of Barbados to the King. *Return thanks* for the several laws in favour of the Sugar Colonies to which H.M. has given his assent *etc.* *Represent* that Barbados was the first settled and is the mother of all H.M. Sugar Colonies, and has for many years been a very profitable Colony to Great Britain as well by producing and importing sugar, rum, mollasses, cotton, ginger and aloes into Great Britain, as by taking off from thence great quantities of woollen and other manufactures, which by means of the Barbados trade are not only consumed amongst the inhabitants here, but are also exported from Great Britain to Affrica, Madeira and the Northern Colonies for the purchase of negroes, wine, fish and other commodities for the use of this Island, whereby numberless hands have been employed in H.M. kingdoms and territories and great revenues accrew to the Crown, and the same commerce has been a great support to H.M. Northern Colonies, and given a large and profitable vent to their fishery and other products and also to the products of Ireland, besides employing a great number of shipping and seamen *etc.*, and after all leaves a considerable ballance in England to the benefit of the national stock *etc.* *Represent* "our melancholly apprehensions of new taxes being imposed on our staple commodities when the excise on spirits extracted from British mollasses is already doubled, while other spirits do not pay above one half of what those spirits do, and should any new spirit be imposed on British sugars upon their importation into Great Britain, we conceive such a duty added to those already existing will render it impracticable for your Majesty's subjects of this and the other Sugar Islands to bear up any longer against the encouragements given to and improvements made by their rival neighbours in the sugar trade. Those neighbours pay much easier taxes upon their products *etc.*, which advantage with other indulgencies has enabled them to wrest the sugar trade of the foreign markets of Europe out of the hands of your Majesty's

1735. [204]

subjects. A trade, which formerly after supplying Great Britain and Ireland with sugar brought back to Great Britain from its surplus near half a million sterling per annum, and which now brings into France annually double that sum from a surplus of sugar that they spare to those foreign markets." From these considerations *etc.*, it will appear that any new taxes laid on the products of H.M. Sugar Colonies will tend to their utter destruction, and consequently be hurtfull to all H.M. Dominions *etc.* *Pray* H.M. wisdom, sovereign power and paternal care to prevent any new burthens being laid upon their products, and to ease them of the burthens they now labour under, as soon as the exigencies of the government will permit. *Signed*, James Dottin and 7 Councillors, W. Gibbons, Speaker, and 13 Members of Assembly. 2 large pp. [C.O. 28, 45. ff. 347 v., 348.]

Dec. 12. **205.** Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, three Acts of St. Xtophers, 1735. [C.O. 153, 16.  
p. 34.]

Dec. 12. **206.** Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, eight Acts of Antigua, 1734, 1735. [C.O. 153, 16.  
pp. 35, 36.]

Dec. 12. **207.** Mr. Popple to Mr. Fane. Encloses, for his opinion in  
Whitehall. point of law, six Acts of Montserrat, 1734, 1735. [C.O. 153, 16.  
pp. 37, 38.]

Dec.  $\frac{1}{2}$   $\frac{2}{3}$ . **208.** Marquis de Champigny [*? to President*] of Barbados.  
Martinique. *Abstract.* In reply to his letter demanding the evacuation of  
Sta. Lucia, states that he has sent a French man-of-war thither  
with orders to notify again the French who remain there of the  
King's intention to evacuate it. Dec. 29 (N.S.). The French  
ship found there two English warships, and an agreement was  
made with the officer deputed by the President of Barbados, upon  
representations made by the subjects of both nations, that they  
should be given till 31st May to evacuate the island, in order that  
they might have time to harvest their cotton. Proclamations to  
that effect were published *etc.* *Endorsed*, Rd., from M. de  
Chavigny, 15th March, 173 $\frac{5}{6}$ . Copy sent ye 18th to the Presidt.  
of ye Council of Barbados and to Govr. Mathew. *Copy. French.*  
1 $\frac{3}{4}$  pp. [C.O. 152, 40. No. 44.]

Dec. 12. **209.** Mr. Popple to Governor Belcher. My Lords Commis-  
Whitehall. sioners for Trade and Plantations having had under their considera-  
tion, an Act published in the Massachusetts Bay the 4th of  
January, 1734/5, entituled *An Act to encourage the raising of  
hemp and flax within this Province*, command me to acquaint you  
with their desire of knowing what effect the said bounties have  
had ; whether the bounty upon flax was given with any view to  
the establishing a linnen manufacture in the Province ? And  
whether the report my Lords have heard, of some Irish skill'd in



1735.

[209]

the linnen manufactory, now going, or gon, to instruct the New England people therein, is true? My Lords desire you will send me your answer to these queries, and any observations you may have to make upon this subject, as soon as conveniently you can. [C.O. 5, 917. p. 153.]

Dec. 13.  
Bermuda.

**210.** Lt. Governor Pitt to the Duke of Newcastle. This is the first opportunity I have had of doing myselfe the honour of acquainting your Grace of the receipt of H.M. additional Instruction dated at the Court of St. James's the 30th day of November, 1733, which received the 30th June, 1735, therein constituting and appointing Charles Dunbar, Esqr., who is Surveyor General of H.M. Customs in these Islands to be a Councillor Extraordinary at this Board which with all other orders mention'd in H.M. Instruction bearing date as above shall take due care to obey, I am with great respect, etc. *Signed*, John Pitt. *Endorsed*, R. 19th March.  $\frac{3}{4}$  p. [C.O. 37, 29. No. 20.]

Dec. 13.  
Bermuda.

**211.** Lt. Governor Pitt to the Council of Trade and Plantations. I have now the honour to acquaint your Lordships of the receipt of your Lordships' letters dated the 17th June and 5th August, 1735, by Capt. James Dickenson commander of the sloop *Ann* belonging to this place who arrived the 24th of November last, and in obedience to your Lordships commands, have sent in the fullest manner I can, an account relating to all dutys and impositions that was payable on the trade and shipping of Great Britain on the 25th day of March, 1731, as also an account of what dutys or impositions are now payable on the importation and exportation of negroes, wines, or other kind of liquors, or on any goods, wares, or merchandize, and shipping. It gives me a great deal of concern that I should make such an omission in my letter of the 26th May last, relating to the Councillors, my whole intention being to inform your Lordships of the state of the Council, and the necessity I was under at that time, the three deceased into whose places I desired Mr. Darrell, Mr. Hunt and Mr. Spofferth might succeed, were Samuel Sherlock, Leonard White senr. and John Jennings, Esqrs., and the three then violently indisposed were John Trimmingham, Esqr., president, Henry Tucker, and Richard Jennings, Esqrs., the two former are deceased, so that the Board now consists of Richard Jennings, Andrew Auchinleck, Francis Jones, John Butterfield, Nathaniel Butterfield, Leonard White and Robert Dinwiddie, Esqrs. I now do myselfe the honour of recommending to your Lordships two more gentlemen, which makes five, Mr. John Darrell, Mr. Richard Hunt, Mr. Samuel Spofferth, Mr. Perient Trott senr., Mr. Perient Trott junr., which I think the most capable of having the honour to be at that Board and doing H.M. service, who I hope will meet with your Lordships' approbation; the return of Francis Jones, Esqr., from England, who went only for three months and nothing extraordinary happening made me defer calling the three before-mention'd gentlemen to the Board till I know H.M. pleasure, which with the other two I hope your Lordships will be so good as to

1735. [211]

recommend to H.M. *Signed*, John Pitt. *Endorsed*, Reed. 15th March, Read 25th Aug., 1736. 1 $\frac{3}{4}$  pp. *Enclosed*,

211. i. Account of Acts in force 25th March, 1731, laying duties on liquors, negroes and trade and shipping of Great Britain. *Endorsed*, Reed. 15th March, 1736. 2 pp. [C.O. 37, 12. ff. 185, 186, 186 v., 187 v.-188 v.]

Dec. 16.  
Whitehall.

**212.** Mr. Popple to Mr. Johnston. Capt. Burrington having inform'd my Lords Commissioners *etc.* that the late Mr. Little constantly kept a day book by which the several patents for land, as likewise tracts not plotted out, appear; and that his widow, to whom it can be of no manner of use, has it now in her possession, desire you will endeavour to procure and transmit it *etc.* [C.O. 5, 323. ff. 112 v., 113.]

Dec. 16.  
Whitehall.

**213.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Act of Barbados, *empowering the Treasurer to pay a certain sum of money to the Lady Howe.* [C.O. 29, 16. p. 43.]

Dec. 18.  
Whitehall.

**214.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. My Lords Commissrs. for Trade and Plantations command me to send you the inclosed state of a case relating to any power a Govr. in the Plantations may have to vote as a Councillor, and to desire your opinion upon the Queries thereto annexed. *Annexed*,

214. i. The Government of H.M. Plantations in America consists of a Govr., Council and Assembly; these three have the power of making laws vested in them, and the Govr. has a negative upon every Act pass'd by the Council and Assembly. The Council sits in two capacities viz: as one part of the legislature, and as a Council to advise and assist the Govr. in all political cases. And the Govrs. are restrained by their Instructions not to act without the advice and consent of the majority of them in many cases. *Query therefore*, whether in any case the Govr. can sit and vote as a Member of the Council. On the death or absence of a Govr. the President of the Council, if there be no Lieut. Govr. upon the place, always acts as Govr., till a new Govr. is appointed by H.M. *Query*, is the said President then capable of acting and voting as a Councillor, during the time he acts as Govr., and represents the King. [C.O. 324, 12. pp. 126-128.]

Dec. 18.  
Whitehall.

**215.** Council of Trade and Plantations to Governor Cunningham. Having been informed that Major Ayscough, late President of the Council and Commander-in-Chief at Jamaica, is dead, we take this opportunity of acquainting you with our having received a letter from him of the 16th of last August wherein he informs us of some success the Jamaica parties have had against the rebellious negroes which we are glad to hear. The Act which was pass'd in June 1735, entituled *An Act for the better settling and securing the Island and vesting several parcels of land*



1735.

[215]

*in the Crown, and for building of barracks and fitting out of parties for the reducing the rebellious negroes, and cutting of roads*, seems to us, the most probable method of preserving the Island from any dangers it may be expos'd to from them, as it will open and keep up a communication throughout the Island, we therefore desire you will give all suitable encouragement to the execution of the said Act. As to martial law, which has of late much been made use of, but now expir'd, we hope you will never revive the same, but in cases of the greatest extremity. We wrote to Majr. Ayscough on the 17th of June, and on the 4th of Sept. last (of which lettrs. we now send you copies) the first upon the subject of an Enquiry made by the House of Commons, and the last in relation to the state of the Island ; to both these, we desire your answer as soon as may be, and that you will send us, at the same time, an exact State of the Council of the Island : and as occasion happens, an account of all transactions in your government (where we hope your are now safely arrived) particularly with regard to the rebellious negroes, who we hope are now almost entirely reduc'd. [C.O. 138, 18. pp. 58, 59.]

Dec. 18.  
Whitehall.

**216.** Mr. Popple to Lt. Governor Gooch. An Act was passed in Virginia, 1723, chap. 4th, entituled *An Act directing the tryal of slaves committing capital crimes ; and for the more effectual punishing conspiracies and insurrections of them, and for the better Government of Negroes, Mullattoes, and Indians, bond or free*, by which free negroes are deprived of the priviledge of voteing in any election ; My Lords Commissrs. *etc.* have lately had occasion to look into the said Act, and as it carries an appearance of hardship towards certain freemen, meerly upon account of their complection, who would otherways enjoy every priviledge belonging to freemen, I am commanded to desire you will let me know, for their lordships' information, what were the reasons which induced the Assembly to pass this Act ; and it being now many years that the Act has been in force I am likewise to desire you will inform me what is your own and the general opinion of the same at present. [C.O. 5, 1366. pp. 134, 135.]

Dec. 18.  
Whitehall.

**217.** Council of Trade and Plantations to Governor Mathew. *Acknowledge* his letters *etc.* of July—Sept. *Continue* :—With regard to the Act pass'd by the Council and Assembly of Montserrat for raising a duty of fourpence a ton upon all shipping to be paid in money in order to purchase arms, for the use of the Island we very much approve your having refused your assent to it, not that the design of the Act was wrong in its self, but because you are instructed not to pass any Act of this nature. And H.M. having now been graciously pleased to order stores of all sorts to be sent to the Leeward Islands in general, we do not think it necessary to make any other observation upon this subject. We are glad to find that you have been able to prevail with the inhabitants of the Island of Nevis, to build a fortification for their own safety and defence, and we hope soon to hear of its being compleated. But with regard to what you have inform'd

1735. [217]

us of, in relation to the little Governments you have erected in the Virgin Islands, we can say nothing to you, until we shall have received your answer to what we wrote upon this subject, in our letter to you of the 13th of Augst. last. [C.O. 153, 16. pp. 39, 40.]

Dec. 18.  
Whitehall.

**218.** Council of Trade and Plantations to Governor Belcher. Since our letter to you of the 10th of September last, we have received yours of the 19th of August, three of the 23rd, and one of the 28th of October with the several publick papers you therein mention to be inclosed : among which we have read the Conference you had with the Indians at Deerfield, and we are glad to see thereby, that they are in so good a temper : But we must observe upon this occasion, that altho' presents are said to have been made to these Indians, yet you have not thought fit to inform us, either what the said presents were, or the value of them. [C.O. 5, 917. p. 154.]

Dec. 19.  
New York.

**219.** Governor Cosby to the Council of Trade and Plantations. *Replies to* letter and enquiries of 17th June :—All the duties and impositions that were laid on trade and were subsisting in this Province in 1731 were laid in 1728 by the Act *to repeal some parts and continue other parts of an Act therein mentioned etc. Duties enumerated.* An Act of 1732 repealed this Act and re-enacted the like duties till Sept. 1st, 1737. *Describes* other Acts of 1731 and 1734. *Encloses* Acts passed last session ; i-v Acts continuing Acts for farming the Excise, regulating the Militia, clearing and laying out high roads in Ulster and Albany, and for support of H.M. troops at Oswego. (vi) "An Act *to receive and continue the currency of the bills of credit therein mentioned untill the end of the year 1739.* The fund on which these bills of credit were struck not answering the expectations of the Assembly, there are many of them not yet sunk, and that fund being afterwards appropriated to the sinking of other bills of credit cannot till the year 1740 be further apply'd to the sinking of them, it was thought absolutely necessary to pass this Act which gives the paper money its former credit. An Act *to prevent damages by some in the precinct of Goshen etc.* This Act carry's its reason in the preamble. An Act *for naturalizing William Cornelius etc.* This and other Acts of the like kind are necessary to incourage foreigners to settle among us," *etc.* *Encloses* Minutes of Council, 5th April—24th Nov., 1735. *Signed,* W. Cosby. *Endorsed,* 9th, Read 13th Feb., 1735. 5½ pp. [C.O. 5, 1058. ff. 28-30 v., 31 v.]

Dec. 19.  
Whitehall.

**220.** Saml. Gellibrand to Mr. Fane. In the absence of Mr. Popple *encloses* Act passed of Pennsylvania *for the more effectual vesting and settling certain lands in George McCall, pursuant to the covenants and agreements of all the parties having any interest in the same ;* for his opinion thereupon in point of law as soon as conveniently may be. [C.O. 5, 1294. p. 83.]

Dec. 22.  
New  
Providence.

**221.** Governor Fitzwilliam to the Council of Trade and Plantations. 'Tis but two days since I was honoured with your Lordships' letters of 17th June and 8th Aug., in obedience to



1735.

[221]

which I have in the first place herewith transmitted an account of what laws were in force in this Government on 25th March, 1731, and also what other laws have been since pass'd, by which any duties or impositions have been laid on the trade and shipping of Great Britain ; and likewise an account of all the duties or impositions, which are now received and payable by virtue of any Act *etc.* *In reply* to enquiry of Aug. 8th, refers to letters of 4th Dec., 1733, and states that he swore into the Council William Steward and Chaloner Jackson in place of Richard Thompson and William Pinder decd. *Continues* : In my letter of 2nd July, 1734, I acquainted your Lordships I had sworn in Thomas Lorey, who, upon examining my letter-book, and the Council Journals, I find was in the room of William Whetstone Rogers, gone to reside upon the coast of Africa, so that this last was an error of my Clerk in transcribing my letter, for which I ask pardon *etc.* *Quotes from letter of 20th Dec. and 11th March concerning new Councillors.* *Continues* : So that the number of H.M. Council at present upon the island are but seven, namely John Howell, William Spatchers, William Stewart, Thomas Lorey, William Hale, John Thompson and William Smith, whom I have sworn in, in the room of Thomas Spencer lately deceased, and the others mentioned in my Instructions were gone off the Island or dead before my arrival except William Miller, whom I daily expect. The next omission your Lordships are pleas'd to charge me with, is that of not sending your Lordships a duplicate of the report signed by me and intended to be signed by the Engineer, to his Majesty, which I hope you'l the readier overlook since it was owing to my not having any perfect duplicates of the drawings to transmit you, without which every thing else I could send would have been imperfect, and that I knew, according to the common course of business, those sent to my Lord President would be referr'd to your Lordships ; and in respect to the observation your Lordships are pleased to make, that my letters ought constantly to mention the date of my preceeding, and that I ought to mention what ships they go by *etc.*, I find but one omission of the former, which I shall take care for the future to avoid, and the latter is impossible to be complied with, because we have seldom or never any direct conveyance from hence home, and are therefore obliged to send them first to Carolina or other Colonies, as opportunity serves, for a passage ; whereby they frequently miscarry, or, at best, are a very long time before they come to hand : and now upon occasion of mentioning this inconvenience, I beg leave to offer it to your Lordships, whether the surest method of transmitting your Lordships' commands to me for the future would not be under cover to the Governor or Commander-in-Chief of South Carolina for the time being. As to what your Lordships are pleased to mention concerning the estimates of the works proposed to be erected here, now before you, I am to observe that tho' H.M. should not purchase these islands (which, I hope, for the publick good of Great Britain and the poor inhabitants of the place, will not be the case) yet, since the Proprietors have surrendered the right of Government, it will

1735.

[221]

be absolutely necessary to make this a place of defence for the reasons your Lordships have set forth *etc.*, and tho' the works proposed by the late Engineer should amount to more than you think necessary H.M. should expend upon that service *etc.*, yet I hope your Lordships will conclude that something ought to be done in this affair speedily, in which case I humbly presume the Master General of the Ordnance will, from the plans, profiles and elevations before you, best judge how that may be properly done ; before I conclude this subject, I think it necessary to acquaint your Lordships that the few gun-carriages that were any way serviceable, when I had the honour to make the afore-mentioned report to H.M. are now become so far useless, as scarcely to bear the firing of guns upon any public occasion, and that tho' I have with great difficulty and a large expence made H.M. Independent Company here at least as good as any in America, yet they have not forty muskets among them, and above twenty of these unfit for any kind of service, whereof I several times acquainted the late Secretary at War, and my Agent writes me word that he has attended the present on the same head, but hath not as yet had any answer from him. I also preferr'd a memorial to the said late Secretary, wherein I set forth the miserable and starving condition the poor soldiers are in here, by reason of the smalness of their pay, which can hardly support human nature in a country, where all manner of provisions are so scarce and dear, as upon this island, and likewise how many of them perish, in time of sickness, for want of proper medecines, which are not to be had here, nor any allowance given me upon the Establishment for that purpose, as is allowed to other Independent Companies abroad (particularly that at South Carolina) and therefore I humbly proposed that H.M. would be graciously pleased to put this Company upon the same foot, in respect to provisions, with the troops at Gibraltar or Nova Scotia, and of medicines, in proportion of what is allowed to the Company in Carolina, which he the Secretary thought so very reasonable, that he not only told me himself, that he would take a proper occasion to get it speedily done, but also directed his chief Clerk, since my arrival here, to acquaint me, that he had communicated my proposal to Sr. Robert Walpole, who thoroughly approved thereof, notwithstanding which there hath not any thing been yet done in this affair, which I apprehend has been occasioned by the Secretary's long indisposition, but I am in hopes Sir William Younge, to whom my Agent tells me he has renewed my application, will commiserate these poor people's condition, and I flatter myself your Lordships will, out of pure humanity, remind him of it, and that you will also be so good as to talk to him concerning the usual allowance for fire to dress their victuals, and candles, which other little garrisons have, and which was mentioned in the aforesaid report to H.M. 'Tis a pleasure to me whenever your Lordships approve my action, as you have been pleased to do in regard to the bonds I took from the inhabitants to be answerable for the tenths of what salt they should make, which I would at the same time have also done for the tenths of braziletto, but to speak the truth, I was



1735.

[221]

then apprehensive of an insurrection in the country, to which the inhabitants were privately spirited up by the insinuations and artifice of one John Colebrooke, and to which, people of their former course of life being naturally prone, he had no great difficulty of leading them, and more especially for that their minds had been so long disturb'd by the divisions and dissensions he had created in the Government by his turbulency and unaccountable misbehaviour towards my predecessor, whereby all regular form of Government was destroyed, and it has not been without infinite difficulty and vexation, and great clamours against me, by this man's contrivance, that since he left the country, I have at last brought these people to be as peaceable, and to have as much unanimity among themselves, as any in the King's Dominions, and if a man can judge by the outward appearance of people, so good liking to my administration as I could wish, or indeed, better that I could reasonably expect, considering the methods that have been used by that Colebrooke and his adherents to prevent them : and I am therefore persuaded that if your Lordships would be so good as to forward the erecting the works, and promote the sending over here a hundred Palatine families, with such encouragement as they meet at South Carolina, which is to pay their passage, give them a small portion of land free of quit-rents for a few years, and allow them a little salt provision to support them the first year, you would shortly find this country in a flourishing condition, and more worthy your notice than perhaps it may be at present. For those men would be found, at all times a good security to the island, gatherers of salt to supply the Fisherys of our Northern Colonys in time of war, when that commodity is difficult to be had from other places, and good cultivators of sugar-canes, cotton, indigo, vines and other things, which these islands are capable of producing *etc.* *Continues :* At the Assembly held here, since the taking of those bonds, a law has pass'd whereby a penny a bushel was laid upon all salt exported, and other dutys in the same Act *for levying divers sums for payment of officers' salaries etc.*, which will come to double the sum those tenths would amount to, and tho' it is not expressed in the Act that it is in lieu of tenths, yet I cannot help saying the poor people meant it so, and in truth, in order to get this law pass'd the easier I gave them reason to hope I would interpose any good offices in my power to engage your Lordships' sentiments in their favour, as to this particular, therefore I must beg leave to forbear taking any further steps in this matter untill I have your Lordships' further directions. I have received the copys of those laws that were pass'd by Mr. Rogers, with his remarks thereon, but the last mentioned duty law, the Act for governing negroes and slaves, and other Acts, which I have pass'd, and now lye before your Lordships for your perusal, happen (tho' I had not any of the former laws or transactions of the Government to direct me) to provide for most of the material deficiencies in those assented to by my predecessor, so as not to make it necessary for us to be at the expence of calling an Assembly, untill there is something more material to lay before them : particularly since

1735.

[221]

the inhabitants have (now they know your Lordships' opinion concerning their being in force) no objection to their being governed by them. *Encloses* duplicates of Aug. 20th etc. *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 12th April, Read 25th June, 1736. 7 pp. *Enclosed*,

221. i. Duplicate of Gov. Fitzwilliam to Council of Trade. Aug. 20th.

221. ii. Deposition of Samuel Lawford, late master, and John Grimes and W. Young, mariners, of the sloop *Mercury* of New Providence. 18th Aug., 1735. Said sloop was loaded at Jamaica with provisions consigned to Isaac Maduras of Curaçao, whither said sloop was bound, after being regularly cleared on 17th June. She was blown out of her course (*described*) to about 4 leagues off the mainland of America at a part called the Bush. Here she was boarded by an armed Spanish sloop of Maracaybo, commanded by Don Pedro de Costa, who carried her with the mate and one sailor off to Maracaybo, leaving deponent, four of his crew and two passengers on shore at the Salinas, a spot uninhabited except by savages, whence after great hardships they made their way to New Providence etc. *Protests, etc. Signed*, Samuel Lawford, John Grimes, William Young (his mark). *Sworn before* Governor Fitzwilliam. *Endorsed as preceding. Copy.* 2½ pp.

221. iii. Deposition of Samuel Lawford. 20th Dec., 1735. About a month after the date of above deposition and protest, deponent sailed with a letter from Governor Fitzwilliam and the Governor of Curaçao to the Governor of Maracaybo etc. The Governor just opened the said protest and in a very great passion threw it from him and told him not to stay there trifling his time away, adding that being ignorant of the law he had sent the *Mercury* to be tried at St. Domingo, with a representation that a quantity of Spanish money had been found on board of her. Deponent expostulated, reminding the Governor of the depositions made before him by the mate and one of the seamen that there was not one single piece of eight aboard the *Mercury* when she was taken, and prayed for copies of said depositions which he absolutely refused to grant, alledging that he had sent them to St. Domingo. He forthwith answered the Governors' letters and ordered him to depart. Deponent, in spite of his protests, and altho' he had brought nothing into Maracaybo but the Governors' letters aforesaid and the little provisions for his own use, was compelled to pay 120 pieces of eight for port duties, to raise which he was obliged to sell his clothes and part of his necessary provisions. Some of the inhabitants of the best credit in the place, and particularly two gentlemen resident there to whom the Governor of Curaçao had recommended him, told him there was no hopes of his



1735. [221 iii.]

ever regaining his vessel, for that the Governor there was chiefly concerned in the privateer that took him and that notwithstanding his pretence of having sent her to St. Domingo for trial, she was then actually fitted and gon out a-privateering with 10 great guns and 8 pateraras and about 60 men, *etc.* A Dutch vessel was attacked by the *Mercury*, but got away and came into Curaçao whilst deponent was there. Deponent's substance is so wasted that he cannot pursue reparation at St. Domingo *etc.* *Signed*, Saml. Lawford. *Copy.* 2½ pp.

221. iv. Governor Fitzwilliam to the Governor of Maracaybo. Sept. 17th, 1735. New Providence. Demands return to Capt. Lawford of the *Mercury* and goods taken by Pedro de Costa under pretence of a commission from the Governor of Maracaybo and that justice be done on said pirates *etc.* *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 12th April, Read 25th June, 1736. *Copy.* 1 p.

221. v. Governor of Maracaybo to Governor Fitzwilliam. Nov. 28 (N.S.), 1735. Has sent the *Mercury* to be tried at St. Domingo where justice will be done *etc.* *Signed*, Dn. Ju. Joseph de Valderrana y Haro. *Endorsed as preceding.* *Copy.* *Spanish.* 1 p.

221. vi. Governor Fitzwilliam to the Duke of Newcastle. Aug. 20, 1735. *Encloses* deposition of Capt. Lawford *etc. as in covering letter supra.* *Signed and endorsed as* No. iii. *Copy.* 1 p.

221. vii. *Same to Same.* Dec. 22, 1735. *Encloses* papers relating to Lawford's case. *v. following.* *Signed and endorsed as preceding.* *Copy.* 2 pp.

221. viii. Account of laws in force in the Bahama Islands, 25th March, 1731, by which any duties are laid on the trade and shipping of Great Britain, and of duties now payable by said Acts on the importation or exportation of negroes, liquors or any goods or shipping. (i) An Act for levying divers sums for defraying the public charges *etc.*, 1729. (ii) For levying divers sums for payment of officers' salaries *etc.*, 1734. Details of duties given. The former Act is suspended by the latter. *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 12th April, Read 25th June, 1736. 1 large p. [C.O. 23, 3. ff. 138, 138 v., 139 v.-141, 142-144, 145, 146 v., 147 v., 148, 149 v.-154 v., 155 v.-156 v.]

Dec. 22.  
New  
Providence.

**222.** Governor Fitzwilliam to the Duke of Newcastle. *Encloses* papers relating to Capt. Lawford. *v. preceding.* *Continues*: I cannot help adding that the Governor of Maracaybo's behaviour and that of the Royal officers was not only most inhumane and cruel, but also insolent and, with great submission, a great contempt of H.M. commission to me *etc.*, by detaining the vessel I sent with letters, of publick business only, until port charges were paid for her, which the misfortunes of the miserable man they robb'd, could not prevail upon their cruel natures to

1735. [222]

remit etc. *Continues* : Were I capable of pathetically describing the distress this poor man (whom I prevented going home to tieze you) has undergone and the beggary he is reduc'd to, it would (exclusive of all other considerations) so far prevail upon your humanity and good nature, as to think of some means of gaining him and his distress'd family speedy relief. Many of the inhabitants have been with me upon this occasion to desire, that if I could not grant letters of reprizal, I would connive only at their doing themselves justice upon the Spaniards, yet, however equitable I might think their request, I absolutely forbid them attempting to redress themselves, untill they have H.M. permission so to do. *Signed*, Rd. Fitzwilliam. [C.O. 23, 3. f. 154.]

Dec. 24. **223.** Governor Mathew to Mr. Popple. *Begins with duplicate*  
 St. Christophers. of Dec. 8. *Continues* :—I enclose to be laid before their Lordships two Acts of Nevis, (i) *for raiseing an impost on strong liquors imported etc.* ; and (ii) *an Act to repeal an Act against importing rum and melass also for raising an annual tax on vintners and retailers etc.* *Continues* :—The first I passed on their Lordships' allowance, as the duties are only laid on strong liquors of foreign growth. The second law has the suspending clause, as directed by the Instruction for laws that repeat any other laws, etc. *Continues* :—I pray as to our factors' objections that have obtaind a restraint from our laying any dutys on liquors or manufactures of Great Britain, to offer to their Lordships that in my humble opinion, and that opinion grounded on a many years' knowledge of the trade hither, that such laws when permitted to be made, gave no room for any such complaint. The importer never paid one p. cent. on such goods imported, that he was not well enough prepared for to raise three, five or more on ym. under pretence of this petty duty, and this in his sales to the consumer. And to be sure these opponents never meant the consumer (that is the planter) should pay dutys on their imports. That would be a downright excise, if such laws transferred the duty from the importer to the retailer. *Signed*, William Mathew. *Endorsed*, Recd. 9th March, Read 30th Sept., 1736.  $2\frac{1}{2}$  pp. [C.O. 152, 22. ff. 81–82 v., and (duplicate) 87–88 v.]

Dec. 25. **224.** Petty Expenses of the Board of Trade, Michaelmas to Christmas, 1735. v. Journal. 7 pp. [C.O. 388, 80. ff. 147, 148, 149–150 v., 152.]

Dec. 25. **225.** Naval Officer's List of Entries and Clearings, S. Potomack, Virginia, Sept. 25—Dec. 25. [C.O. 5, 1445. f. 1.]

Dec. 27. **226.** Governor Cunninghame to the Duke of Newcastle.  
 Jamaica. I have the honour to acquaint your Grace of my safe arrival here on the 18th instant, and of my being received with the forms and ceremonys usual on the like occasions. After publishing H.M. Commission, and takeing and administering to the gentlemen of the Council the oaths prescrib'd by H.M. Instructions and the Acts of the Island ; I declar'd my self to them, as by the paper



1735.

[226]

herewith inclosed, in which, is a copy of their answer, with my reply. By the death of Samuel Moore, Esqr., almost three years since, the death of William Hayman, Esqr., some time in June last, the death of John Ayscough, Esqr., the 29th of Septemr. last, and the resignation of Edward Pennant, Esqr., on account of his age and infirmitys on the first of last October, the Council is reduced to eight, and some of them liveing at a great distance from the seat of Government, will make it very difficult for me to have a quorum, so soon, and so often, as H.M. service may require. I have inform'd my self the best I could for the short time I have been here of the persons of the most influence and best qualifications for that trust, and have had recommended to me as such, William Nedham, Gersham Ely, Charles Price and Mathew Concanen, Esqrs., the three first as Chief Magistrates and Asseblymen, and Mr. Concanen as Attorney General, have long served the country, and I beg leave to recommend them through your Grace's favour and countenance to H.M., that they may be appointed to these vacancys, and that as soon as may be, for the reasons above mention'd. It will not be possible for me to send your Grace the exact state and condition of H.M. troops here by this conveyance, as they are disposed of in distant and different parts of the Island, but by the next I hope I shall be able to do't, being resolved forthwith to view them my self in their several quarters. All I can learn and acquaint your Grace with at this time is, that the Companys are reduced, some to half, and others to about a third of their compliment. Several of the officers are dead, as your Grace will see by the inclosed list. Their vacancys have been supplyd by warrants from the Presidents to the gentlemen mention'd therein, and if I am justly inform'd, as I have no reason to doubt but I am, their behaviour has been such as recommends them to H.M. favour, and I beg leave to recommend them to your Grace, that being commissioned by H.M., others may be encouraged on the like occasions to accept of warrants, that H.M. service may not suffer for want of a sufficient number of officers; for I must observe of your Grace, that by the death of the officers of the Company late under the command of Capt. John Campbel, that Company was without any commissioned officer here, for near five months, but what were order'd from other companys to take the command thereof. The next day after my arrival here, I desir'd the oppinion and advice of the Council, whether they apprehended it would be most for the service of the country to continue or dissolve the Assembly, they were unanimous in their oppinion, that in regard the Assembly had sat almost three years, and that there were several vacant seats by the death of their members, they should be dissolv'd; which was accordingly done by proclamation on the 22nd instant, and I have in pursuance of the same advice, order'd writts to issue for calling a new one, to convene on the 24th February next. From all the accounts I have hear'd, I cannot learn that in all the attempts that have been made against the rebel slaves for these two years past, above ten of them have been taken or destroy'd; and I find all the gentlemen of credit that I have spoke to here

1735.

[226]

agree, that most of the rebel slaves that were settled in the Windward or north-east parts of the Island, are moved to the Leeward, that upon intelligence of their march, some partys were order'd out, to oppose, disperse, or destroy them, and accordingly mett with some bodys of them, but they fought and forced their way on, and tho' they have been quiet for some time, it is supposed and fear'd, they are settleing themselves in some strong fastnesses, and, when that is done, will begin their ravages again, in such parts of the Island, as may be of more mischievous consequence than any they have hitherto attempted. Here has been no considerable country partys fitted out or kept on foot at the publick expence since martial law ceas'd, which was on the first of August last, nor do I think from the judgement I can form at present, that it will ever be to much purpose to fitt out partys or send out any strength against them till some barracks be erected in the most convenient parts of the Island, and roads of communication open'd, that upon any certain advice of their haunts and settlements, a sufficient force may be always ready to be detach'd from the said barracks without delay, well commanded and supplied with necessarys. A detachment of a serjeant, corporal and eighteen private men from each of the Companys commanded by Sir Alexander Cumming and Capt. Henry Robinson, has for some time been in possession of one of the old negro settlements near Port Antonio, call'd Nanny Town, but without any surgeon or mate to take care of them, there being but one surgeon and a mate to every two Companys, and the remaining part of those two Companys were so sickly, that neither the surgeon or mate could be spared to march with the detachment, I shall endeavour to supply that want, and do what I can that the troops may be easie and well taken care of, but must beg leave to acquaint your Grace that as H.M. service will require the troops to be employ'd in the different parts of the Island, they may labour under great distress and difficultys for want of more surgeons or surgeon's mates, especially should these already appointed, sicken or die. I thought it my duty to inform your Grace of these particulars as they immediately concern H.M. service, and shall not fail from time to time to advise your Grace of everything that may be of consequence to that, and of service to this Island, being perswaded it will be the best means to recommend myself to H.M. favour, and your Grace's Countenance *etc.* Signed, H. Cunninghame. Endorsed, R. 6th April. Enclosed,

226. i. Muster-roll of Officers of the 8 Independent Companies, 25th Dec., 1735. 1 p.

226. ii (a) Governor Cunningham's Speech to the Council, Dec. 19, 1735. *Abstract.* Relies upon their advice *etc.* His coming to Jamaica was delayed by his representations to H.M. on their behalf and endeavours to obtain aid in their distress. His Instructions, which he will soon, and from time to time, communicate to them, will show them that he is charged with no commands but what are for the public good. Assures them of freedom of debate and his assistance in any schemes they may



1735. [226 ii.]

propose for the advancing H.M. honour and the true interests of their country. (b) Address of Council to Governor Cunningham, in reply to preceding, 20th Dec. *Abstract*. Have abundant reasons to acknowledge H.M. care of the Island, and welcome H.E.'s arrival *etc.* Hope by their unanimity not to disappoint his expectations *etc.* (c) Governor Cunningham's reply, thanking them for their "obligeing address." *Copy*. 2¼ pp. [C.O. 137, 55. ff. 213-215 v., 216 v., 217, 219-220.]

Dec. 30.

**227.** Mr. Fane to the Council of Trade and Plantations. *Report upon Act of Pennsylvania, 1735, for the more effectual vesting lands in George McCall etc.* "which I apprehend is intended to supply the want of a recovery, for the King's writts issued here not running in this Province, a recovery cannot be carried into execution: and it is the only method they have of barring entails. I observe, the person who applied to the legislature for this Act, has such an estate vested in him, as to give him a right by our law, supposing the lands here, to barr all the remainders, and that all parties interested have consented thereto. And therefore I am humbly of opinion, it is very fit to be passed into a law. *Signed*, Fran. Fane. *Endorsed*, Recd. 30th Dec., 1735, Read 15th Jan., 1735½. 1 p. [C.O. 5, 1268. ff. 181, 182 v.]

Dec. 31.

**228.** Mr. Fane to the Council of Trade and Plantations. Has no objection to Act of Barbados, *empowering the Treasurer to pay a certain sum to the Lady Howe etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 1st, Read 15th Jan., 1735½. ¾ p. [C.O. 28, 24. ff. 146, 151 v.]

[1735.]

**229.** Abstract of letters to and from Jamaica, 6th June, 1734—22nd March, 1735. [? By Charles Delafaye.] 3½ pp. [C.O. 137, 55. ff. 161-162 v.]

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## JANUARY, 1736.

1736.

- Jan. 8. **230.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose accounts of incidental charges of the Office, Michaelmas to Christmas, 1735, and request payment of one quarter's salaries then due. *v. Journal.* [C.O. 389, 37. pp. 367, 368.]  
Whitehall.
- Jan. 9. **231.** Council of Trade and Plantations to the King. Recommend Abell Dottin for the Council, Barbados, in the room of Col. Wm. Terrill decd. [C.O. 29, 16. p. 44.]  
Whitehall.
- Jan. 10. **232.** Governor Mathew to Mr. Popple. Encloses Minutes of Council and Journal of Assembly, Montserrat, Sept—Dec. 1735. *Signed,* William Mathew. *Endorsed,* Reqd. 9th March, Read 30th Sept., 1736. *Holograph.* 1 p. [C.O. 152, 22. ff. 84, 91 v.]  
St. Christophers.
- Jan. 13. **233.** Governor Mathew to Mr. Popple. Encloses duplicate of Nov. 14th, with Minutes of Council of Antigua to July 1735 *etc.* *Signed,* William Mathew. *Endorsed,* Reqd. 9th March, Read 30th Sept., 1736. *Holograph.* 1 p. [C.O. 152, 22. ff. 85, 90 v.]  
St. Christophers.
- Jan. 14. **234.** Governor Belcher to the Council of Trade and Plantations. As the affair of the bounds betwixt this Province and New Hampshire greatly affects the peace and welfare of H.M. subjects in both Provinces, I think it my duty to pray your Lordships would let me have the King's Orders afresh in this matter, and if they were of the nature of my 80th Instruction for the Massachusetts, with great deference I should think it the most equal and quiet way of getting to an issue of this long dispute. And this Province, who oppos'd such a method formerly, are now very desirous to come into it; and I would humbly observe to your Lordships that I can see none so likely to settle the matter to all intents and purposes, as what shall be done in consequence of the voluntary consent and agreement of both Governments: for should H.M. make out an order of ascertaining the bounds, your Lordships are sensible the Law would still be open for the people to be vexing and harrassing one another. I hope your Lordships will give such dispatch to this matter, as that I may have H.M. Orders hereupon by the first ship in the spring *etc.* *Signed,* J. Belcher. *Endorsed,* Reqd. 9th April, Read 16th Sept., 1736. 3 pp. [C.O. 5, 879. ff. 10, 10 v., 13, 13 v.]  
Boston.
- Jan 15. **235.** Governor Belcher to the Council of Trade and Plantations. I did myself the honour of writing your Lordships the 8th of last month at large, and to which I now humbly crave your reference. I heartily wish your Lordships may in the present session of Parliament obtain an additional bounty on hemp from  
Boston.



1736.

[235]

H.M. Plantations, because I think it would soon produce large quantities of that commodity from the King's Provinces in America, and thereby prevent a great exportation of gold and silver, that goes into the Baltic for hemp, while the Plantations would be paid for it in woollen manufactures of the Mother Kingdom. The Assembly of this Province has now been sitting near seven weeks, and your Lordships have herewith their Journal from the last time I sent it, where (among other things) your Lordships will find I have press'd upon them their encouraging the making of pot-ash, to which I believe no country in the world is better adapted. And as there is a gentleman lately arriv'd from Great Britain, that pretends to have good understanding in this affair, I have reason to believe the Assembly will (before they rise) give some considerable encouragement towards the manufacturing of this commodity. And I hope your Lordships will also recommend to the Parliament of Great Britain, the giving of a good bounty on Plantation pot-ash. When this Assembly rises, (which may be in 10 or 14 days) I shall write your Lordships again at large on this and some other heads *etc.* *Signed*, J. Belcher. *Endorsed*, Recd. 15th March, Read 16th Sept., 1736. 3 pp. [C.O. 5, 879. ff. 11-12 v.]

Jan. 15.  
Boston.

**236.** Governor Belcher to the Duke of Newcastle. As nothing has lately occurred here worth your Grace's notice, I have not had the honour of addressing your Grace for some time *etc.* *Encloses* Journal of House of Representatives for the present session *etc.* *Signed*, J. Belcher. 2 pp. [C.O. 5, 899. ff. 207, 207 v.]

Jan. 22.  
Whitehall.

**237.** Council of Trade and Plantations to the King. Recommend for confirmation Act of Barbados for *paying a certain sum to the Viscountess Howe etc.* [C.O. 29, 16. p. 45.]

Jan. 22.

**238.** Samuel Jenner, Agent for the Switzers, to the Council of Trade and Plantations. A great number of Protestant Switzers, who have wherewith to pay their passages to settle themselves, and families in the King's American Dominions are inclined to go there with all convenient speed, if they can obtain the following conditions and encouragements;—1st. They humbly pray on their arrival in America they may by an Act of Assembly be naturaliz'd thereby to enjoy the rights and privileges of natural born subjects of Great Brittain. 2. They desire to embark in Holland, to be permitted and allow'd to take with them their goods and effects with such necessaries as they stand in need off, without being liable or subject to seizures or confiscations when landed. 3. As their designs and intentions are to plant vines, raise silk, hemp, and flax, and make pot ash, they hope to be placed in a climate and soil proper for such purposes, will be content and satisfy'd with an upland part of North Carolina, the inhabitants of that and adjacent Provinces allways preferring and chusing to live in the lower parts for the conveniency of trade and navigation. 4. The upper parts of North and South Carolina remain uncultivated, uninhabited, and at present useless from the great difficulties and charges attending tedious land carriage

1736.

[238]

in places where no roads are yet made, the small rivers and brooks that water those parts being not deep enough to permitt the least boat to pass up and down ; notwithstanding this great disadvantage and many more these industrious and undaunted Switzers will endeavour by their labour and unwearied diligence to surmount all difficulties provided your Lordships would be pleased to cause a sufficient district of land to be laid out for them, and such as come after from the Cantons, and adjoining countries, in the inland parts of North Carolina in such manner that they and their posterity may live contiguous, and not to be dispers'd, scatter'd, and separated by having people mixed with them who do not understand their language. 5. They desire that all officers civil and military that are to be appointed in the district they inhabit may be of their own people, that they provide for the maintenance and subsistence of their own clergy and poor only, without being chargeable to the other inhabitants of North Carolina in those respects or being burthend by them, on account of payments to any clergy or poor beside their own. 6. They desire an exemption from quit-rents, and all taxes and impositions raised and collected in that Province during the space of ten years, and that after the time mentioned the quit-rents do not exceed two shillings for one hundred acres for ever. 7. That in laying out the lands allotted them every gentleman may have one thousand acres for his proportion, and every other man four hundred acres, and that they may have the surveys measured by themselves, and patents delivered for their land without the payment of rights or any other fee. My Lords, on these conditions the said Switzers are inclined to leave their own country altho' they live well at home, and are not obliged by any wants or necessity to go into foreign parts. My Lords, provided the Government will be pleas'd graciously to encourage this propos'd and intended settlement in North Carolina, it is probable such proceedings would induce considerable numbers of their countrymen and Germans to follow, and inhabit the same province, which cannot but prove a great advantage to this Kingdom. If your Lordships approve of the propositions I do myself the honour to lay before you, I humbly hope the business will be so forwarded that the adventurous Helvetians may be shipped off next summer, which is most respectfully recommended *etc.* Signed, Samuel Jenner. *Endorsed*, Recd. Read 22nd Jan., 173 $\frac{5}{8}$ . 2 $\frac{1}{2}$  pp. *Enclosed*,

238. i. Copy of a deputation from several Switzers (Joachim Laurent Haberling de Schenenberg, Lord of Heffenhoffen and Moos, John Ulrick and Jacob Haberling, Lords of Mauve *etc.*, three brothers and free habitants of the Province of Tergovie in Switzerland) to Samuel Jenner for obtaining a tract of 300,000 acres for them in Carolina. Heffenhoffen in Turgovie. 16th Oct., 1735. *Endorsed as preceding*. 1 p. [C.O. 5, 294. ff. 238, 239-240 v., 241 v.]

[Jan. 22.]

239. Samuel Jenner to the Duke of Newcastle. Similar petition to preceding. Signed, Samuel Jenner. *Without date or signature*. 2 $\frac{3}{4}$  pp. [C.O. 5, 309. No. 12.]



1736.

Jan. 23.  
Whitehall.

**240.** Council of Trade and Plantations to the Lords of the Committee of the Privy Council. Report upon Act of Pennsylvania *for the vesting of certain lands etc.* *Continue* : We have consulted Mr. Fane, one of H.M. Council, upon this Act, who hath made no objection to it in point of law, nor have we any reason to alledge against the confirmation of it, but we think ourselves obliged to acquaint your Lordships, that to prevent all surprize to the parties concerned in the case of private Acts, we thought proper some time since to come to a resolution not to recommend any private Acts to H.M. for his Royal confirmation, till the same had lain by six months in our Office. Yet as we find by the Charter of Pennsylvania, that their Acts do acquire a force within six months after their being laid before H.M. Privy Council, if they are not declared void within that time ; we must submit to your Lordships, how long the present Act ought to lye by before it be offered to H.M. for his Royal confirmation. [*C.O.* 5, 1294. *pp.* 84, 85.]

Jan. 24.  
Whitehall.

**241.** Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, W. Sharpe. *Endorsed*, Recd. 4th, Read 6th Feb., 1736.  $1\frac{1}{4}$  *pp.* *Enclosed*,

**241. i.** Petition of Henry McCulloh of London, merchant, to the King. Sheweth, that there are vast quantitys of land in your Majesty's Colony of North Carolina uncultivated and particularly on the branches of Cape Fear River wherein few or no settlements have been made till within these twelve years and them at present very inconsiderable. That if the same were cultivated and improved they might not only increase your Majesty's Quit rents but be rendered greatly advantageous to this Kingdom in the production of hemp, pitch, tarr and other kinds of naval stores as also in the making of pot ashes which has hitherto miscarried for want of applying a proper expence in engaging persons from foreign parts to go over there who are well skilled in making that commodity, the importation whereof from the Baltick to Great Britain is yearly above two thousand three hundred tons which at twenty-four pounds p. ton at first cost, duty and freight excepted, amounts to fifty-five thousand two hundred pounds besides which advantages the said lands are well seituated for carrying on a furr trade with the Indian nations in that neighbourhood. That your petitioner is willing to settle two tracts out of the said large quantitys of uncultivated lands if your Majesty shall be pleased to grant the same to him, that is to say one tract of seventy-two thousand acres seituated upon the north-east branch of Cape Fear River from the second high bluff upwards or thereabouts and leading towards the point of Trent River on the East side and on the west towards the head of the Black River. And

1736. [241 i.]

the other tract of sixty thousand acres scituated towards the north-west at or near a place there commonly called or known by the name of the Hawfields and lying between the north-west branch of Cape Fear River and the head of the Nells River ; your petitioner will undertake to settle thereon three hundred Protestants in the space of ten years and to increase that number from time to time as he shall find encouragement from the place and trade intended to be carried on there whereby he hopes in time to prove very beneficiall to Great Britain and to considerably augment your Majesty's quit rents. But that as an undertaking of this kind will be attended with very great hazards and even the most fortunate of them with great expences at their first outsett and particularly to your petitioner who intends to contract with persons from foreign parts from whence pott ashes are now imported into this Kingdom to go over to the said Colony to carry on the making of that commodity there, and that as a great many servants and slaves will be necessary more than the said three hundred persons above engaged to be settled, and as both of the said tracts of land are some hundred miles from the seat of Government and will be a kind of barrier to the more inner parts of the said Colony, your petitioner humbly hopes that all reasonable encouragement may be given to the undertaking and particularly an exemption from quit rents for the space of ten years. Your petitioner therefore most humbly prays that your Majesty would be graciously pleased to direct the Surveyor of your Majesty's lands in North Carolina or his deputy to survey and lay out the said two tracts of land and your Majesty's Governor there to pass a grant under the Seal of the said Colony to your petitioner and his heirs of the said lands so to be laid out with the aforesaid encouragement subject to be void as to so much thereof as your petitioner shall not settle according to the proposals aforesaid. *Signed*, Henry McCulloh. *Endorsed*, Recd. Read 6th Feb., 173 $\frac{5}{6}$ . *Copy*. 2 $\frac{1}{2}$  pp. [C.O. 5, 294. ff. 244-247 v.]

Jan. 27. **242.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. Have prepared copies of papers mentioned in the addresses of the House of Commons (v. 29th May, 1735), and wait H.M. further commands. *Autograph signatures*. 1 p. *Annexed*,

242. i. List of copies of papers prepared in accordance with Address of House of Commons (v. 29th May, 1735). [C.O. 5, 5. f. 129 and 324, 12. pp. 128-220.]

Jan. 27. **243.** Mr. Popple to Mr. Fane. Encloses, for his opinion in Whitehall. point of law, eight Acts of S. Carolina, 1735, *enumerated*. [C.O. 5, 401. pp. 168-171.]



1736.  
Jan. 29.

**244.** Account of the charge of laying out land in North Carolina and the bounds of the tract desired by Mr. Jenner and the Swiss.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Governour's fee for the rights of 400 acres ..	1	0	0
Secretary's fee for a warrant .. ..		5	0
Secretary's fee for a patent .. ..		10	0
Surveyor's fees for certificate and Entry ..		4	6
Surveyor's fee for surveying .. ..	1	13	4
	<hr/>		
	3	12	10

Mr. Jenner, Agent for the Switzers that desire to settle in North Carolina, desires that the lands lying between Catankne Creek, and the north-east branch of Cape Fear River by the two lines run between the head of that Creek, and the place where it falls into New River, the nearest way to the north-east branch of Cape Fear River, may be allotted to them, and erected into a new precinct, when 500 Switzers are settled therein. The Govr.'s fee is 2s. 6d. every fifty acres. The above-mention'd fees excepting the Govr.'s fee are what is demanded upon the setting out 640 acres: and for every 640 acres, the same fees are repeated, altho by Act of Assembly the Surveyors can demand but 2 sh. p. hundred after the first 640. *Endorsed*, Recd. (from Capt. Burrington), Read Jan. 29, 1736. 1 p. [*C.O.* 5, 294. *ff.* 242, 243 v.]

Jan. 31. **245.** Governor Mathew to Mr. Popple. Duplicate of letter St. Christophers. of Jan. 13, 1736. *Torn.* 1 p. [*C.O.* 152, 22. *f.* 86.]

Feb. 2.  
Charles  
Town.

**246.** Lt. Governor Broughton to the Council of Trade and Plantations. In reply to command of 17th June, encloses following. *Signed*, Tho. Broughton. *Endorsed*, Recd. 19th April, Read 21st Oct., 1736. 1½ pp. *Enclosed*,

246. i. List of Acts of S. Carolina, in force 25 March, 1731, and made since, laying duties on importation and exportation of negroes, wines and other goods *etc.* *Endorsed*, Recd. 19th April, 1736. 7 pp. [*C.O.* 5, 365. *ff.* 124, 124 v., 126-129, 130 v., 131 v.]

Feb. 3.  
St. James's  
Street.

**247.** Wavell Smith to Mr. Popple. Encloses "three protests of two gentlemen of the Council of Antigua against the proceedings of Coll. Morris and the majority of the Council in their attempt of reducing my fees" *etc.* Is preparing his complaint to lay before H.M. of all "the monstrous irregularity in the proceedings of Antigua, St. Christopher and Nevis" *etc.* *Signed*, Wavll. Smith. *Endorsed*, Recd. 4th Feb., Read 25th Nov., 1736. *Addressed. Seal.* 1 p. *Enclosed*,

247. i. Resolution of Assembly of St. Christophers, July 1st, 1735, proposing to pay the Secretary £118 *etc.* *Copy. Signed*, James Losack, Clk. Assembly. 1 p.

1736.

247. ii. Protests by George Thomas and George Lucas against the proceedings of the Council of Antigua in reducing the Secretary's fees, June 5, 1734. Entered in the Minutes of Council, July 1st, 1735. *Printed.* 3 $\frac{3}{4}$  pp. [*C.O.* 152, 22. ff. 227–228, 229–230 v., 231 v., 232 v.]

Feb. 5. **248.** Order of King in Council. Appointing Abell Dottin  
St. James's. to the Council of Barbados, in the room of Col. Terrill deed. *Signed,* W. Sharpe. *Endorsed,* Reed. 7th, Read 8th April, 1736. 1 $\frac{1}{3}$  pp. [*C.O.* 28, 24. ff. 147, 147 v., 150 v.; and 5, 21. ff. 41, 41 v.]

Feb. 6. **249.** Order of King in Council. Confirming Act of the  
St. James's. Massachusetts Bay for the trial of capital offences etc. committed in the island of Nantucket. *Signed,* W. Sharpe. *Endorsed,* Reed. 7th, Read 8th April, 1736. 1 $\frac{1}{3}$  pp. [*C.O.* 5, 879. ff. 1, 1 v., 4 v.]

Feb. 6. **250.** Council of Trade and Plantations to the King. Propose  
Whitehall. confirmation of Acts of Virginia, (i) amending Act for settling titles and bounds etc., and (ii) for the better support of the College of William & Mary etc. [*C.O.* 5, 1366. pp. 135, 136.]

[Feb. 12.] **251.** Heads of what is proposed by Henry McCulloh in the settlement of the two tracts of land petitioned for. (i) I intend to settle a person I am now concern'd with in South Carolina, who is a man of considerable fortune, upon the head of the north-east branch of Cape Fear river. I am att the same time to send over a considerable number of workmen to build small houses for such people as I intend to send there from Europe to carry on the pott ash trade and for the raising hemp and other naval stores equal to the undertaking in my petition, the number I propose to settle on this tract is one hundred and eighty substantial people. (ii) Upon the tract on the head of the north-west river I intend to fix the said gentleman's brother and also to send over to that place proper workmen for the founding of a township and after the houses are prepared for them to settle one hundred and twenty like substantial people, and there intend to apply a considerable sum of money for carrying on the furr trade as well as raising hemp and other naval stores. It is to be remark'd here that tho' the number of people are not so many as might at first be expected, yett that there must necessarily be a great addition of servants and slaves for the carrying on of this undertaking and that tho' I ingage for no more than three hundred, yett as the settlement grows it will be my interest greatly to encrease that number. North Carolina hitherto has been very inconsiderable as to trade and tho' there is near 40,000 whites in that Colony, which is one-third more then in the South, yett there produce is not equal to one-tenth part and we have not had so much as one ship from that Colony this last year, which plainly shews what necessity there is to encourage those that are willing and capable to introduce trade and commerce amongst them. It is to be presumed from this state of the Colony it will appear that a settlement carried on in the manner above hinted at, by trading people,



1736. [251]

will answer all the ends proposed in giving such grants to the undertaker;—For trade naturally occasions an encrease of people, and in such case the settlement becomes lasting. And at the same time putts those that are already settled there on new methods of industry, which will inrich the Colony and make it usefull to its Mother Country. *Endorsed*, Recd., Read 12th Feb., 1735 $\frac{5}{8}$ . 1 p. [*C.O.* 5, 294. ff. 249, 250 v.]

[Feb. 12.] **252.** Mr. Jenner to the Council of Trade and Plantations. Mr. Jenner, Agent for the Switzers who propose to settle in North Carolina, desires to have the lands hitherto ungranted, allotted for them that are scituated between Roanoak River, and the west branch of Cape Fear River above the Indian tradeing path home to the Mountains; in lieu of the lands on Neus River before requested. *Endorsed*, Recd., Read 12th Feb., 1735 $\frac{5}{8}$ .  $\frac{1}{2}$  p. [*C.O.* 5, 294. ff. 248, 248 v.]

Feb. 15. **253.** Governor Mathew to Mr. Popple. Encloses Minutes of St. Christophers. Council, Nevis, to Sept. 1736, and Treasurer's accounts, St. Christopher, to Jan. 1736. *Signed*, William Mathew. *Endorsed*, Recd. 12th April, Read 30th Sept., 1736. *Holograph*. 1 p. *Enclosed*,

253. i. Treasurer's account of import duty, St. Christopher. July, 1735—Jan., 1736. *Total*. Receipts, £430 10s. 6d. *Signed*, William Pym Burt, Treasr. 1 p.

253. ii. Treasurer's account of money, (£106 7s. 10d.) received from Wm. Buckley. 1 p.

253. iii. Treasurer's account of money (£500) received from Martin Blake. 1 p.

253. iv. Treasurer's account of licences for hawking and pedling (£60). 1 p.

253. v. Treasurer's account of money (£519 3s. 4 $\frac{3}{4}$ d.) received from Wm. Buckley. 1 p.

253. vi. Treasurer's account of poll tax on negroes and 5 p. c. on house-rents *etc.* *Total*, £5,320 14s. 4 $\frac{1}{2}$  pp.

253. vii. Treasurer's account of powder duty. *Totals*. Receipts, £246 13s. 11d. Expenditure, £19 8s. 8d. 4 pp.

253. viii. Treasurer's account of money appropriated for the use of the fortifications. *Totals*. Receipts, £1,309 8s. 9 $\frac{3}{4}$ d., including balance brought forward, (£677 3s. 6 $\frac{3}{4}$ d.). Expenditure, £1,044 6s. 4d. 2 pp.

253. ix. Treasurer's account of licence duty, July 1735—Jan., 1736. *Totals*, Receipts, £85. Expenditure, £160 2s. 0d. *Nos.* ii–ix, *Signed*, William Pym Burt, Treasr. *Nos.* i–ix, *Endorsed*, Recd. 12th April, 1736. 1 p. [*C.O.* 152, 22. ff. 89, 89 v., 92, 93, 94, 95, 96, 97–99, 101 v.–104, 105, 106 v.]

Feb. 24. **254.** Mr. Popple to the Board of Works. The situation, cold  
Whitehall. and stench of the necessary house belonging to this Office rendering it of little service, my Lords Commissioners *etc.* desire you will

1736. [254]

give directions for the making a water closet, there being a place here in which it may be done with little expence. [C.O. 389, 37. p. 369.]

Feb. 25. **255.** Deposition of Samuel Wragg and Samuel Deane, of London, Merchants. Wragg and others concerned with him in a co-partnership for erecting of saw-mills, raising of pott-ashes and carrying on several other improvements in S. Carolina, did actually spend £1,500 sterl. in transporting about 30 artificers from Holland by contract to serve two years *etc.* Before the Indian war, 1715, the said artificers had actually built one saw-mill to go by wind which frequently worked with 36 saws at a time, and, had they not been taken away by the then Governour to serve in the war, they wd. have erected two mills more. But being foreigners and the time for which they contracted expiring, most of them would not stay any longer, by which means they have suffered great loss *etc.* Signed, S. Wragg, Saml. Deane. *Endorsed*, Recd. 27th Feb., Read 4th March, 173 $\frac{1}{2}$ . 1 p. [C.O. 5, 365. ff. 74, 75 v.]

Feb. 26.  
Appenzel.

**256.** Extract from a letter from the people of Appenzel in Switzerland to Mr. Ochs. A great many families are dispos'd to come and settle in America in H.M. Dominions, but they stay only to have granted what hath been layd before yr. Ldps. concerning. 1. The naturalisation that they may be made free English subjects, and enjoy all the priviledges of them, as natural born subjects of Great Brittain. 2. As they are great lovers of their own liberties, they humbly desire that they may have the same priviledge as they enjoy in their own country, to serve all civil and military offices according to the Constitution and laws establishd in Great Brittain, to have their own ministers, which they shall provide for. 3. That they may have the enjoyment of these priviledges for them and their descendants for ever. 4. That the land which is given them, may be their own property, to sell or dispose of it as their own, and paying their quit rent, that is usual, that they shal be free for ever without paying anything what so ever besydes the usual quit rent, which things they humbly desire to have it in writing fully expressd without limitation, and seald, for their full satisfaction. Without which, they are not dispos'd to undertake the voyage, in particular, all those that have any substance to pay for their voyage and settle att their own expence, and these are the people with which a good foundation must be layd to support the others which come who have nothing to settle themselves withall. *Endorsed*, Recd. (from Mr. Ochs), Read March 16th, 173 $\frac{1}{2}$ .  $\frac{3}{4}$  p. [C.O. 5, 294. ff. 257, 257 v.]

Feb. 28.  
Boston,

**257.** Governor Belcher to the Council of Trade and Plantations. My last to your Lordships was on the 15th of January, two days after which I adjourn'd the Assembly here to the 17th of next month, and now cover to your Lordships the remaining part of their Journals to the time they sat, where your Lordships



1736.

[257]

will find they have given some encouragement to the manufacturing of pot-ash in this Province, and if it can be brought to perfection, it will be of considerable advantage in the commerce betwixt Great Britain and this place. There is a bill now lying at the House of Representatives, and which has past H.M. Council, for the better preservation of the King's woods, and I shall do all in my power, that it may come into a law, altho' I am very doubtful about it. I hope H.M. bounty of hemp seed will be here in good season this Spring, for encouraging the farmers to go briskly on in raising that commodity etc. *Signed*, J. Belcher. *Endorsed*, Recd. 21st May, Read 16th Sept., 1736. 2 pp. [C.O. 5, 879. 15, 15 v., 19 v.]

Feb. 28.

Boston.

**258.** *Same* to the Duke of Newcastle. Duplicate of preceding, *mutatis mutandis*. *Signed*, J. Belcher. *Endorsed*, R. 10th May. 3 pp. [C.O. 5, 899. ff. 209-210 v.]

March 1.

Boston,  
New England.

**259.** William Shirley to the Duke of Newcastle. Introduces the Chief Sachem of the Mohegans, with memorial etc. v. March 7. *Signed*, Wm. Shirley. *Endorsed*, R. April 30, (by the Chief Sachem of the Mohegan Indians). *Holograph*. 3 pp. *Enclosed*, 259. i. Memorial of Mahomet, Chief Sachem of the Mohegans, to the King. v. March 7. 2½ pp. [C.O. 5, 899. ff. 211-214.]

March 2.

Whitehall.

**260.** Council of Trade and Plantations to the Committee of Privy Council. *Report upon petition* of Mr. McCulloh: *Conclude*:—The conditions and restrictions which the Governor of North Carolina is directed to insert in all grants of land which he shall make in that Province, are to oblige the grantees to pay a quit rent to H.M. of four shillings per annum Proclamation money of that Province for every hundred acres and that the said grants shall be void on failure of cultivation of the lands or for non-payment of the quit rents reserved thereon. As to the present case, considering that the tracts of land which the petitioner proposes to settle are entirely uncultivated, and ly at a great distance from the inhabited part of North Carolina, to which they might hereafter become a useful frontier towards the Indian country; considering likewise that the proposed settlement would be attended with a considerable expence to the undertakers, and when brought to perfection would prove advantageous to the trade of this Kingdom; we had no objection against advising a compliance with this petition except the condition comprized in the prayer of it, whereby it is proposed that the grant should be void as to so much of the land only as the petitioner should not have settled within the space of ten years according to his proposals. But Mr. McCulloh having attended and conferred with us upon this head, and having consented to pay the established Quit rents for all the land to be comprized in his grant, after the term of ten years, whether the whole be then cultivated or not; we are humbly of opinion that H.M. should be advised to direct his Governor of North Carolina to order a survey to be

1736. [260]

made by the proper Officer of the lands described in this petition, and to pass a grant thereof to the petitioner, his heirs and assigns under the great Seal of the Province, with an exemption from quit rents for the space of ten years, under a proviso that the whole shall revert to the Crown or be subject to the established quit rent of the Province at the expiration of that term ; and with a saving clause as to the right of such persons as may have a lawful claim to any of the said lands by virtue of grants made and authenticated to them before the passing of the grant in question. [C.O. 5, 323. ff. 113-115.]

March 4.  
St. James's.

**261.** Order of King in Council. Confirming Act of Barbados *empowering the Treasurer to pay a certain sum to the Lady Howe etc.* Signed, Ja. Vernon. Endorsed, Recd. 7th, Read 8th April, 1736. 1½ pp. [C.O. 28, 24. ff. 148, 148 v., 149 v.]

March 4.  
St. James's.

**262.** Order of King in Council. Repealing Acts of S. Carolina (i) *to prevent any delay of justice by not drawing juries etc.*, and (ii) *for the better regulating the Courts of Justice etc.* Signed, Ja. Vernon. Endorsed, Recd. 7th, Read 8th April, 1736. 1½ pp. [C.O. 5, 365. ff. 76, 76 v., 79 v.]

March 4.  
St. James's.

**263.** Order of King in Council. Confirming two Acts of Virginia, (i) *Amending Act for settling titles and bounds of lands, and for preventing unlawfull shooting and ranging thereupon ;* and (ii) *for the better support and encouragement of the College of William and Mary.* Signed, Ja. Vernon. Endorsed, Recd. 7th, Read 8th April, 1736. 1½ pp. [C.O. 5, 1324. ff. 1, 1 v., 4 v.]

March 8.  
New  
Providence.

**264.** Governor Fitzwilliam to the Council of Trade and Plantations. *Encloses duplicates of letter and enclosures Dec. 22nd last, and Journals of the Council and accounts to Christmas, "which, tho' small in bulk, contain all the transactions of this Government during that time worthy the least notice, everything continuing in the same quiet and easy situation" etc. Continues :* The barracks in the fort are, notwithstanding the repairs I have continually given them, ever since I have been here, become so very leaky and every way decayed, that there is scarcely any place in them, where a poor soldier can be defended from the least bad weather, the consequence whereof, I apprehend, will be, that I shall loose two-thirds of my company this approaching, rainy, sickly season, which I know not how to avoid, because I have no other shelter for them, nor revenue here wherewith to make any ; I had indeed some thoughts of rebuilding the barracks myself, which now are past being repair'd, according to a plan the Engineer, that was here, gave me, and so to depend upon the justice of the Ministry to reimburse me, but, upon further consideration, I judged proper to wait your lordships' sentiments as to this particular, which I beseech your Lordships to let me have as soon as possible. I am very well apprized how difficult it is to get any money from the Government for contingencies of this nature,



1736.

[264]

without having first obtain'd a proper order for such a disbursement, but besides the particular hardship which will ly upon me by the intollerable expence I must be at in recruiting again, whereby I shall rather be a looser than a gainer by my company, so was my case after the late dreadful sickness, whereof I formerly acquainted you, 'tis inhumane to see so many poor miserable men lost without endeavouring to relieve them. If your Lordships be come to any resolution concerning the repairs of this little garrison, and the other works proposed to be erected here, and that there is any probability that any of them will be begun in the beginning of the next winter, this of the Guard House may be first compleated, but if not I hope your Lordships will use your endeavours to prevent the Company's being exposed to the like misfortune a second rainy season. *Signed*, R. Fitzwilliam. *Endorsed*, Recd. 13th July, Read 27th Oct., 1736. 1½ pp. *Enclosed*,

264. i. *Same* to Sir William Yonge, Secretary at War. March 20, 1735. When I had the honour to write to you the 25th day of February last, a copy of which is here inclosed, I little imagin'd there was, at that juncture, a combination on foot among the soldiers of the garrison to seize the same and my own person, in order to a general desertion, tho' I confess I have long been apprehensive that the miserable state of this Company, (which I have been continually representing since I first had the command of them) and the absence of my officers would one time or other be fatal to me and the Island, as indeed had like to have been the case on Wednesday night, last, when, about eight o'clock, as a Corporal was calling over the roll, one George Collins (who, it seems, had been a deserter from Clare's Regiment in France and afterwards from Coll. Cornwallis's) knock'd him down, and thereupon a great number of his accomplices started up and knock'd down severall of the men, calling out, Who is for Old England? and in five minutes got full possession of the Fort and the few small arms that were there. During this scuffle a Centinel, that was posted upon one of the bastions, jump'd over the wall, came up to my house, and acquainted me thereof; whereupon I forthwith took my sword in my hand, and, with two or three soldiers, that usually do duty at my house in the night, made the best speed I could to the Fort, imagining it was only a drunken affair, which I should soon be able to set to rights; but as I came near the gate, which I thought I saw open, I call'd to one of my serjeants, that was about a step or two before me, to secure it; upon which six or seven muskets were fired at me, and I no sooner ordered the men I brought from my house, to fire at a crowd I saw on one of the bastions, than they and others that were on that opposite fired a volley upon me, shot the sergeant thro' the arm and near twenty places thro'

1736. [264 i.]

his cloaths, and shot down one of the poor soldiers that was almost close by my side, yet I stil conceived that this mutiny was unpremeditated and only the effects of too much rum, which I was told had been carried into the garrison that day, therefore I hurried away some people, who in a few minutes had got about me, for ladders to endeavour to get over the walls, but I soon found that attempt vain (for they were regularly upon their guard, and began to fire all round the Fort at every mortal that offered to come near them) and that I had no recourse but to the inhabitants, of whom I assembled as many as I could, but among them all there was not one pound of powder or ball, nor more than twenty-five small arms and of those not above fifteen fit for service. This, Sr., you will believe made my case, as well as that of the whole Island, desperate ; for by this time a strong party of the mutineers came out of the Fort in quest of me, and Mr. William Stewart (whom you'll see mentioned in the inclosed copy of a letter of the 5th of August, 1734, to Sr. William Strickland) and to secure a sloop or two that lay at anchor in the harbour, at which they had fired many great shot from the Fort, to oblige them to come nearer to them, and at my house, believing I had assembled a guard there to secure my own private effects, but I was then got about a mile to the Eastwards of the Fort, with the inhabitants before mentioned, out of whom I detach'd a few under the command of Mr. Stewart to go and endeavour to defend an old house, wherein all the powder is lodg'd, that lies exposed to be destroyed by a few men at any time, which I have also long since represented, and it very fortunately happened that a party of the mutineers were repulsed, who were detach'd from the garrison to blow up the powder, and that a small vessel commanded by one Charles Walker lay out of gun-shot of the Fort, on board of which, there being some small arms, I put powder and ball, and upon receiving notice that the design of the mutineers was to go on board one of the sloops they had got possession of, in order to depart, I put thirty-six of the said inhabitants on board this vessel of Walker's under his command with directions to him to be ready to sail upon the first notice from me, and then came down into the town with no more than four small arms along with me, and sent away a few people to observe the motions of the mutineers, who had then broke open the Stores, wherein were the provisions I had laid in for the Company for the ensuing year, of which they destroyed a great deal after they had taken what they thought would be necessary for their own purpose, and, having done me other considerable damages, they nail'd up the great guns which defended the entrance into the harbour, and forty-two of them went on board the sloop and got under



1736. [264 i.]

sail, and I believe as many more (tho' no way accomplices in the first design) would have gone, having, in their apprehensions, so fair an opportunity, had there been room for them in that vessel, or had not the other sloop that was in the harbour been disabled by getting her sails on shore and cutting her rigging: Whereupon I ordered the said Walker to weigh his anchor and pursue them, which he accordingly did, and kept sight of them the remainder of the night and came up with them about sunrise, which was a thing so unexpected by them, as having never imagin'd that a vessel could be so suddenly equipped to follow them, and the aforesaid Collins, whom they had appointed their commander-in-chief, having lost all power over them, they were taken without firing one shot on their side, or any other damage done them than that one of them had his ear shot off, and they were brought back late in the evening and yesterday morning I call'd a Court of Admiralty for trying of pirates (the Act for punishing Mutiny and Desertion being of no force here) and tryed them as such, for taking away the sloop and robbing another in the harbour, and they were all convicted and sentence passed upon them accordingly, and twelve of them with their pilot, whom they took out of the public gaol (where he had been some days for felony, and endeavouring to carry off some soldiers) were immediately led to execution (vizt.) six who I was then informed, had been deserters from the Duke of Berwick's Regimt. at Philipsburgh, and who proposed to leave one half of the mutineers to defend this Fort whilst the rest went to the Havana to offer it to the Spaniards, one, who with some others, formerly attempted the life of my predecessor, Mr. Rogers, and were detected just as they were going to execute their intention, and the rest formerly deserters from English regiments, remarkable principals in this insurrection, and the several desertions that have been attempted both in my time, and that of my predecessors, and who were very inclinable to the aforesaid proposal of delivering up the Fort to the Spaniards. Tho' this example, I have made, is very severe, and tis probable may make the Company quiet for some little time, yet 'tis impossible to keep them long so, or faithful to their trust whilst they remain in the miserable situation they have hitherto been, without provisions sufficient to support life, barracks to cover them from the inclemency of the weather, fire, candle, and other necessarys therein, usually allow'd to other troops in H.M. Service, or proper medecines to administer to them in time of sickness, yet I cannot but greatly attribute this misfortune, that has befallen me and this Garrison, to the absence of my officers; for, as I had the honour to tell

1736. [264 i.]

you in my last, and cannot help repeating again, my eldest Lieutenant (tho' a good officer) is at this time bed-ridden, and only waits an opportunity to return to the Continent for the recovery of his health, which must necessarily take a considerable time to establish. My next Lieutenant, Mr. Marshall, has stayed in England ever since his appointment to my Company, against my express commands to the contrary, and no officer is as yet arrived here in the room of Mr. Hurst, tho' the account of his death has been in your office upwards of a twelve month before your appointment, and tho' you will please to observe, by the said inclosed to your predecessor, how earnestly I recommended Mr. Stewart to be appointed to that vacancy, and, for reasons which I cannot but think greatly entitle him to H.M. Royal favour, for he has not only done more duty, as a subaltern officer, within these seven or eight years he has been upon the Island, than all those that have been appointed in that time to the Company, but has also the merit of having quelled two or three mutinies before my arrival, and prevented two or three large desertions in that time, to which I may add his going to the Havana, by order of the late Governor, Mr. Rogers, in the time of the rupture with the Spaniards, and bringing him over an exact plan of that Garrison, and his extraordinary service, resolution and discretion in this last unhappy insurrection, all which, I cannot but hope, will induce you to recommend him to H.M. to be appointed an additional Lieutenant to this Company, which, as I observed to you in my last, is not a greater number of officers than the Company at Carolina has, and is absolutely necessary for H.M. Service here; for even tho' my present three Lieutenants were upon the spot and well, you cannot but think it too severe a duty to mount a guard every third night thro' the year. As to my own part, I entirely submit to you how far I ought to be reimburs'd the losses I have sustained by this accident and other casualties, in respect to the provisions I have lost by their being decayed before they could be expended, and in their passage hither; to which a large expence will now accrue by my hiring a sloop to carry Mr. Stewart forthwith to South Carolina to forward this home to you, and to endeavour to purchase an hundred small arms for present use, as well for the Garrison as the inhabitants, most of the few that were in the fort, fit for any kind of service, being now broke and otherwise rendered useless by this late accident, and no armourer in the country to put them in any repair, which will in a little time, be the case of any sett of arms you can send me, unless you send a good armourer or two along with them. When I first made a proposal to Sr. W. Strickland concerning the victualling



1736. [264 i.]

this little garrison, I judged that the provision made for the Regiment at Nova Scotia would be a proper precedent to go by, in respect to this Company, but having, since my arrival here, observed the very great scarcity and dearth of all provisions, and being informed that, that Regiment could not subsist upon the footing they are, were it not for the plenty they have of fish thro' the year, I submit whether putting this Company upon the same footing as to provisions with H.M. troops at Gibraltar would not be for his Royal Service ; but as I formerly observed, if Mr. Lascelles, or whoever has the contract, doth not warrant his provisions to hold good for six months and engage to supply us with new twice a year, we may, in this remote by-place, happen to be reduced to great streights by the decay thereof, to which they are more lyable here than any place I know ; but if the Contractor (which I cannot but hope will be Mr. Lascelles, because he really can perform it best) will not submit to these terms, I humbly propose that each man of the Company be allowed a pound of bisket a day, which I can contract for at New York or Philadelphia to be delivered here twice a year at twelve or thirteen shillings sterling p. hundred, to which if you please to cause a little stock fish and oyl, for two or three days in the week, to be sent them by way of South Carolina twice a year from London, their pay will supply meat, a little drink and other necessarys for the rest of the week. Before I conclude, I beg leave earnestly to entreat you to dispatch this affair of the victualling etc., and to have regard to my proposal concerning Mr. Stewart, who, I will venture to say, merits a lieutenancy as well as any man I have ever known, and also to represent to you that there is an absolute necessity for a Surgeon's Mate to the Company ; for besides the accidents that may befall the Surgeon by sickness or death (by which we may be left destitute of any help 'til we can have one from home, there being no person here capable of that service) their number is too large for one man to take proper care of in this very sickly country. The Governors of the Havana having frequently refus'd to deliver up such of our soldiers as take sanctuary there, has been and yet remains a great encouragement to their desertions : One Peter Owen belonging to this Company, who, before my arrival, carried four or five other soldiers with him, is at this time there, him in particular I sent for, and tho' he appears publickly in the streets the Governor refused to let me have him, but if an order could be obtain'd from the Court of Spain to deliver him or such others as should take refuge there hereafter, to me it would be a means to prevent so frequent desertions for the future etc. *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 13th July, 1736. *Copy. 5 pp.*

1736.

264. ii. *Same to Same.* Feb. 25, 1735. *Abstract.* Congratulates him on his appointment to the War Office. Refers to his former representation as to the bad condition of the garrison for want of provisions, for which their small pay is not sufficient in so dear a country, of medicines and small arms, not having 20 muskets that can be discharged with safety, or any match or cartridge paper left, "which representation my Agent Mr. [Henry] Popple, writes me he has renewed to you," and that he has also acquainted you as well of the prodigious fatigue whereto I am exposed, as of the ill consequence to the service occasioned by the absence of my officers *etc.*, so that I am under continual apprehension of a mutiny *etc.* Requests that the number of Commissioned Officers may be increased to that of the Independent Company at S. Carolina, as Sir W. Strickland gave him reason to hope *etc.* The barracks are so rotten that in rainy weather scarce 20 men can find shelter therein. It is absolutely necessary that they should be rebuilt, at a cost of £400 sterl. He has been a great sufferer by the frequent recruiting to make good the mortality of his Company occasioned by the want of necessaries provided for H.M. other troops abroad, and being obliged to bring in provisions for them at his own risk. Expects to lose two-thirds of his Company in the coming rainy, sickly season for want of proper barracks. The expense of candle and fire to dress the men's provisions must also have been very grievous to them, had he not hitherto borne it himself. Has also lost by provisions decaying and other through a ship from Ireland being cast away. If their grievances are not speedily redressed, the poor soldiers had much better be condemned as galley slaves, for nothing but hunger, sickness and despair continually stare them in the face *etc.* *Signed,* R. Fitzwilliam. *Copy.* 2½ pp.
264. iii. *Same to Sir William Strickland, Secretary at War.* New Providence. Aug. 5, 1734. Describes losses in his Company, 21 men, owing to lack of common sustenance and medicines, and also inconvenience caused by absentee officers *etc. as above.* *Signed,* R. Fitzwilliam. *Copy.* 1½ pp. Nos. i-iii. *Endorsed,* Recd. July 13th, 1736.
264. iv. Account of H.M. revenue, Bahama Islands, Dec. 25, 1734—June 24, 1735. *Totals.* *Receipts* (including balance £19 8s. 9d.), £283 13s. 5½d. *Expenditure,* £207 19s. 9d. *Signed and sworn to,* Willm. Stewart, Receivr. Genl. and Treasr.; and R. Fitzwilliam. 1 p.
264. v. Account of import duties, Christmas, 1734—June 24, 1735. *Total,* £78 14s. 1¼ pp.
264. vi. Account of export duties, June 24—Dec. 25, 1735. *Total,* £92 4s. 5d. 1½ pp.



1736.

264. vii. Account of taxes per poll and on lots of lands, Christmas, 1734—June 24, 1735. *Total*, £75 18s. 3d.  $2\frac{1}{4}$  pp.
264. viii. Account of fines and forfeitures, Christmas 1734—June 24, 1735. *Total*, £6 6s.  $\frac{1}{4}$  p.
264. ix. Account of contingent charges Christmas 1734—June 24, 1735. *Total*, £97 16s. 9d. Nos. iv–ix endorsed Recd. 13th July, 1736.  $\frac{1}{3}$  p.
264. x. Account of H.M. revenue, 24th June—25th Dec., 1735. *Totals. Receipts* (including £75 13s. 8 $\frac{1}{2}$ d. brought forward), £308 18s. 0 $\frac{1}{2}$ d. *Expenditure*, £241 19s. 10d. *Signed as No. iv.*
264. xi. Account of import duties, June 24—Dec. 25, 1735. *Total*, £68 15s. 6d. 1 p.
264. xii. Account of export duties, June 24—Dec. 25, 1735. *Total*, £78 5s. 6d. 1 p.
264. xiii. Account of fines and forfeitures, June 24—Dec. 25, 1735. *Total*, £86 3s. 4d.  $\frac{1}{4}$  p.
264. xiv. Account of contingent charges, June 24—Dec. 25, 1735. *Total*, £127 13s. 9d.  $\frac{1}{3}$  p. Nos. x–xiv endorsed as No. ix. [C.O. 23, 3. ff. 167, 167 v., 168 v., 170–172, 173–174, 175, 175 v., 176 v., 177, 178–181 v., 182 v., 183 v., 184–185, 186 v.]

March 9. **265.** Governor Mathew to Mr. Popple. Begins with duplicate St. Christophers. of 15th Feb. *Encloses* Minutes of Council of Nevis to Dec. 25, and Acts of Montserrat, (i) *for raising a poll tax and for assessing the houses in the town of Plymouth*, (ii) *for constituting a Court Merchant. Concludes* :—The first of these is in the usual form and the second is taken without any material difference from the Court Merchant Act of Antigua. *Signed*, William Mathew. *Endorsed*, Recd. 10th June, Read 30th Sept., 1736. *Holograph.*  $1\frac{1}{4}$  pp. [C.O. 152, 22. ff. 107, 107 v., 110 v.]

March 10. **266.** Proclamation in Council by George Clarke, President Fort George of the Council of New York. Seven other Councillors present. in New York. Whereas H.E. William Cosby *etc.* did on the day of the date hereof, depart this life; and whereas he did on the 24th day of November last past suspend Rip van Dam, Esq., from the place of office of Councillor *etc.*, whereby the administration of the Government hath devolved on me, *etc.* *Charges* all officers, civil and military, to continue in the exercise of their duties and offices *etc.* *Printed by*, William Bradford. 1 p. [C.O. 5, 1093. f. 338.]

March 11. **267.** Protestation of Rip Van Dam, Esq. *Abstract.* Being informed by common fame that Governor Cosby departed this life some time yesterday in the afternoon or evening, Rip Van Dam in the presence of Robert Livingston, junr., who married one of his grand-daughters, and of his brother Peter Van Brugh Livingston and of Matthew Van Alstyn who married another of his grand-daughters, went to Fort George. Finding the gates

1736. [267]

shut against him, he desired to speak with Mrs. Cosby. John Felton, preceptor to the son of his Excellency, and said to be officer of the Guard, made answer that she was not to be spoke with, it being an improper time. Rip Van Dam desired him to inform her that he wished to speak with her. He returned saying she was indisposed *etc.* Rip Van Dam then delivered to John Felton, thro' the hole of the wicket of the Fort Gate, a writing which he desired him to deliver to her, *quoted.* The writing stated that the administration had devolved upon him as eldest Councillor, on the death of Governor Montgomerie, and he therefore requested a sight of the Commission and Instructions of the late Governor, and that if they were conformable to those of Governor Montgomerie in this respect, that she should deliver them to him with the seal of the Province *etc.* He also desired to speak with George Clarke, who came to him without the gate. Rip Van Dam delivered to him a writing, to which he desired his answer in writing, who answered that he had no time then, but would answer at another time. The writing was to the same effect as that above, except that it stated that, having learned that the Commission, Instructions and Seal had been handed to Clarke, he requested him to deliver them to him *etc.* Afterwards, on the same day, he received a letter from John Felton, written on behalf of Mrs. Cosby and informing him that she had ordered the Commission, Instructions and Great Seal to be laid before the Council immediately after her husband's death. On the same day Frederick Morris, Clerk to George Clarke, delivered a letter from the latter, dated March 11th, 6 a clock in the evening to Rip Van Dam at his house, saying in answer to the letter "just delivered to me by yourself" that, "Governor Cosby having suspended you, a copy of which suspension you were served with in November last, and I having been yesterday regularly sworn by H.M. Council into the administration of the Government, I conceive the custody of H.M. Commission and Instructions, and the Great Seal *etc.* belongs to me, and I shall keep them till H.M. pleasure be known *etc.*" Whereupon Rip Van Dam requested Robert and Peter Livingston and Matthew Van Alstyn to carry the last letter aforesaid to George Clarke, and to enquire if it was signed by him. They returned and informed him that he acknowledged it; whereupon Van Dam doth protest that the reasons assigned by the said letter are no ways sufficient for Clarke to have taken upon him the administration *etc.*, and that all Councillors and persons aiding and abetting him are liable to H.M., to such punishments, fines and forfeitures *etc.* as the law may inflict, and to the inhabitants of the Province for all damages they may suffer *etc.*, and to Van Dam for all salaries, emoluments *etc.* George Clarke shall receive, for the following reasons, (i) because at the time of the making and entering the pretended suspension in the Minutes of Council, his late Excellency was delirious and non compos mentis; (ii) If he had then been in his senses, yet he did not make the same suspension nor order it to be entred in the Minutes aforesaid; (iii) Governor Cosby had no power or authority whatsoever to displace any Councillor from



1736.

[267]

being a Councillor, and therefore notwithstanding the pretended suspension had it been well made, Van Dam remained a Councillor tho debarred from acting as such, and he presumes by H.M. Instructions, the eldest Councillor, and therefore entitled to the administration ; (iv) Had the suspension been well made, yet by the death of H.E., it became altogether void and of no effect in law ; (v) for that if the said suspension could have survived H.E., yet forasmuch as no reason doth appear for the said suspension, nor any person appears in being to prosecute it, the same is null and void in law ; (vi) For that neither all nor any of H.M. Council had any power to swear Clarke or any other person than the eldest Councillor into the administration, which neither Clarke nor any other than Rip Van Dam was or is *etc.* *Subscribed,*

267. i. Affidavits sworn by Robert Livingston, Peter Van Brugh Livingston and Matthew Van Alstyn, March 11, 1736. Confirm above account of transactions done in their presence. *The whole, 2 closely written pp.* Cf. March 16th and N.Y. Col. Doc. V, pp. 44, 45. [C.O. 5, 1093. ff. 339, 339 v.]

March 11.

**268.** Captain Burrington to the Council of Trade and Plantations. Haveing done myself the honour, frequently to attend your Board, with Mr. Jenner, Agent for the Switzers, who propose to settle in North Carolina I beg leave to make a few observations, on the answer return'd by Mr. Popple to the said Agent's petition. I am humbly of opinion that your Lordships recommending and advising the Government of N. Carolina to pass an Act, in the Assembly of that Province, for naturalizeing the Switzers and other foreign Protestants, who go there to live, will be sufficient. As it cannot be imagined, that the Switzers will be possessed of any goods to vend in America, except a little coarse linnen manufactured by themselves, the Custom House officers at Cowes may be directed to give the vessels that carry them all possible dispatch. I believe there is no place in H.M. American Dominions, where these people could be placed so much for the King's benefit, as on the very land petitioned for, the same being remote from the sea, or any navigable water ; on the uppermost part of N. Carolina, adjoining on Virginia and South Carolina ; by this scituation, the inhabitants of three provinces may advantage themselves, by learning from the Swiss, to raise hemp and flax ; make silk and potash ; plant vineyards, and in time produce good wine. The Switzers that went into South Carolina, think they were imposed upon, and ill used, many of them are dead ; those yet alive, are very much dissatisfied with their condition ; and have, or do design, to quit that Province, as I have been lately inform'd. Nova Scotia is a country improper for Switzers to live in, being neither seamen nor fishermen ; there hunger and cold would soon destroy them, the winters being very severe, eight months in a year. I cannot help thinking the Switzers in the wrong, in demanding or desiring to have lands appropriated to their use, exclusive of the English, but as it is a possitive instruction from the Principals in the Cantons, hope your

1736.

[268]

Lordships will discover an expedient to their satisfaction. The answers to the 5th and 6th articles, are so full and excellently expressed, that nothing need be added. I am certain it would be an advantage to the Crown, and prejudice no man, if every Switzer that went into North Carolina, would take up a thousand acres, provided he was able to pay the quitrents. That Province is computed to contain thirty millions of acres, of which att most there are not about three millions taken up; the sooner the remainder is taken, the faster the rents will increase, and promote trade, and cause a greater consumption of the British commoditys in that Province. When all the lands in North Carolina are pattented, the Crown will have a vast extent of countrey to people, from the borders of that Province to Mississippi River, in the which there are an infinite quantity of very rich and healthy places. I think Mr. Jenner has been very modest in desireing but one thousand acres for each gentleman: by that appellation officers civil or military, and such as have fortunes to maintain themselves without working, or exerciseing trade, are generally called and distinguished. The King's Surveyor General in N. Carolina doth not make the surveys of land himself, he keeps one or more Deputys in each precinct, to do that work, for which he gives them a part of his fees. There can be no objection reasonably made against a Switzer's acting as Deputy Surveyor. Patents are signed and pass the Seal, before they are recorded in the Secretary's office. The fees for takeing up four hundred acres of land come to near four pounds, which the officers may well remit on this extraordinary occasion, because their perquisites, will be much augmented, by the comeing of a number of Switzers. There is no likelihood that any other people would live on the land the Swiss desire to possess, in a long time. It must prove very difficult for the Switzers to raise mony sufficient for the intended voyage to America; from their own present habitations, they must travel to the city Basil by land, from thence down the Rhine to Rotterdam, which the passage boats are more than a month performing, the passengers lyeing on shoar every night, five pounds each person is the least they can be carried for into America, on ship provisions; if they take any strong liquors or fresh meat with them, they must pay for them; besides, when they arrive in Virginia or N. Carolina they must travel att least one hundred and twenty miles on land; by this your Lordships may perceive what fatigues, or charges these Switzers will sustain before they enter the Desired Land; when they get there, it will be three years before they can produce anything to sell. The King's service has been the only motive, that induced me to concern myself in this affair, therefore hope your Lordships will excuse the liberty I have taken in presenting my sentiments to the Lords of Trade, on this uncommon and important affair. *Signed*, Geo. Burrington. *Endorsed*, Recd. 11th, Read 12th March, 1738. 5 pp. [C.O. 5, 294. ff. 251-253, 254 v.]

[March 11.] **269.** Lord Baltimore to the Council of Trade and Plantations. In response to their Lordships' request, has sent directions to the



1736. [269]

Governor of Maryland, to procure a complete set of the laws, "being allways proud of obeying your commands." *Signed*, Baltimore. *Endorsed*, Recd., Read 11th March, 173 $\frac{5}{8}$ . *Holograph*. 1 p. [C.O. 5, 1268. ff. 184, 191 v.]

[March 12.] **270.** Memorial from Mr. Jenner and Mr. Ocks in answer to the observations on Mr. Jenner's proposals for settling 6,000 Switzers in N. Carolina. With notes on points agreed to by them at the Board. (v. Journal of Council of Trade, 12th March, 1736.) *Signed*, Samuel Jenner, John Ochs. *Endorsed*, Recd., Read 12th March, 173 $\frac{5}{8}$ . 2 $\frac{1}{2}$  large pp. [C.O. 5, 294. ff. 255-256 v.]

March 16.  
Whitehall.

**271.** Mr. Popple to Governor Gabriel Johnson. I inclose to you by order of my Lords Commissioners for Trade and Plantations the copy of certain proposals made to their Lordships in behalf of a great number of Swiss, who are desirous at their own expence to transport themselves to the Province under your Government in order to make a settlement there on the particular tract of land of which I likewise send you a draught. You will please to observe the terms, upon which they propose to make this settlement, and the consequences that may attend each of them, but more particularly that wherein they propose being settled by themselves, in so remote a part of the Province: And when you shall have consider'd each of the said proposals, my Lords Commissioners desire to receive from you as soon as may be, your observations at large upon every article thereof. In case this proposal should meet with the desired effect we hope you will use your endeavours to dispose the Province by recommending it to the Assembly, to receive them in the most friendly manner, and to ease them as much as may be of the expence of laying out their land. [C.O. 5, 323. ff. 115 v., 116.]

March 16.  
New York.

**272.** President Clarke to the Duke of Newcastle. As it is my duty, I humbly presume to acquaint your Grace that Governor Cosby after a sixteen weeks sicknes dyed the tenth of this month. Two days after he was taken ill, he summoned a Council and suspended Mr. Van Dam from his seat at the Council Board, in consequence whereof the administration of the Government of this Province devolves on me. About an hour after the Governor's death all the Council who were in town met in the Council Chamber and haveing caused H.M. Commission and Instructions to Governor Cosby with his suspension of Mr. Van Dam to be read, they all except Mr. Alexander declared their opinion that the administration of the Government devolved on me and accordingly administered the oath to me, Mr. Alexander said he was not prepared to give his opinion but after I was sworn he concurred with the rest in advising me to issue a Proclamation signifying the Governor's death and continuing all officers in their posts. The next day about five in the afternoon Mr. Van Dam came to the Fort Gate with some witnesses and demanded admittance to Mrs. Cosby, but being told she was not in a condition to see him,

1736.

[272]

he demanded that an open letter which he had in his hand might be delivered to her by those witnesses whom he brought with him, and being likewise told that as she was not in a condition to see him she could not see them, he gave the letter to the officer of the Guard to be delivered to her, it containing a demand of the Commission, Seal and Instructions, and by the same officer sent to speak with me, I went out of the Fort gate to him, when he delivered me an open letter of the like purport, and demanding my present answer in writing. I told him I would send it to him and having communicated his to as many of the Council as were then with me I sent him an answer in writing, a copy of which suspension Van Dam's letter to me my answer and the Minutes of Council I do myself the honor to present to your Grace; the next day he served me with a protest, a copy whereof I likewise do myself the honor to inclose. During the whole course of the Governor's illness the restless faction have been very active to prepare the mob for an insurrection, and the soberest and best men have not been without their apprehensions of some such attempt, however, I have reason to hope that by a mild and prudent conduct I shall be able to restrain the first sallies of the peoples' heat and to reclaim them to their due obedience; and in some reasonable time to restore tranquility to the province to which nothing will so much contribute as H.M. dismissing Morris from his pretensions to his Chief Justiceship and Van Dam and Alexander from the Council, these are the heads of the faction, these are the men who declaim against the King's prerogative, who poison the minds of the people, who libel the Governor and all in authority in weekly printed papers and who have endeavoured to distress the Governor in his just administration, I am bold to affirm to your Grace, pardon my Lord the expression, that if these men are continued in their stations this province will be very unhappy, as on the contrary if they are dismissed the spirit of faction will dye, those who have been misled by them will leave them and I shall have the honor to inform your Grace, that tranquility and harmony will be restored and the people brought to their former duty and obedience to H.M. just prerogative. I beseech your Grace to be assured that no private prejudice sways me to this representation. I have had the honor to serve the Crown many years in this province, I have to the utmost of my power and in my station opposed all attempts against the prerogative, and yet I have lived in a friendly correspondence with all men, nor had ever any personal misunderstanding with my fellow Councillors, Mr. Van Dam or Mr. Alexander, what I have done myself the honor to represent to your Grace proceeds from the sincerity of my heart wholly devoted to H.M. Service; I perceive by a letter from the Lords of Trade to Governor Cosby dated the fifth of September last that they had made a representation to H.M. for dismissing Van Dam and Alexander from the Council, but as their dismissal is not yet come hither, if Van Dam had not been suspended he would undoubtedly have been but a tool in the hands of others, for he is very old, and that small share of natural understanding which he had formerly is greatly impaired,



1736.

[272]

he is lookt upon as the head of the faction only as he had once the administration of the Government as president, on Coll. Montgomerie's death, a time wherein no spirit of party appeared, had he not been now suspended, Mrs. Cosby, whose present affliction is already too great, must have expected a large addition from his resentment, as her being immediately turned out of the fort and loaded with malicious prosecutions on imaginary and groundless claims, but as the administration is in my hands she is confident, and I presume to assure your Grace, not only of her continuance in the house in the fort so long as she stays in the province but of every act of service and friendship in my power. I expect, and it will most certainly come to pass that if Van Dam be restored by H.M., he will sue me for the profits of the Government, tis with this view that he has made his demand and protest, and I shall be undone: I humbly implore your Grace to grant me your protection; it is my great unhappyness to be unknown to your Grace, but I presume to hope that his Excellency Mr. Walpole, who has done me the honor to give me his, will be pleased to extend it so far as to mention me favourably to your Grace. I beg leave likewise to inclose a certificate and affidavit to shew the falsehood of Van Dam's assertion in his protest that the Governor was delirious. I humbly ask leave to recommend myself to your Grace's protection from the ruin threatened me by the malice of faction and to subscribe myself *etc.* Signed, Geo. Clarke. *Endorsed*, R. 10th May. *Addressed*. 6 pp. *Enclosed*,

272. i. Deposition of Lewis Johnson and James Henderson. 16th March, 173 $\frac{5}{8}$ . Deponents as physicians attended Governor Cosby during the whole course of his illness. They were with him on 24th Nov., on which day Rip Van Dam was suspended *etc.*, and do not remember to have observed that Cosby was delirious any time that day, but beleive by the conversation they had with him that he was in his senses. Signed, Lewis Johnston, J. Henderson. 1 p.

272. ii. Minutes of Council of New York, March 10, 1736. *Present*, Mr. Secretary Clarke, Mr. Alexander, Mr. Vanhorne, Mr. Kenedy, Mr. Chief Justice, Mr. Cortlandt, Mr. Lane, Mr. Horsmanden, who, having received notice of His Excellency's death, immediately after assembled themselves at the Council Chamber, when H.M. Commission and Instructions were read, and afterwards an attested copy of an Order of Council whereby His late Excellency suspended Rip Van Dam, Esq., from the place and office of a Councillor and from his having any further seat at the Council Board, ordering his suspension to be enter'd in the minutes of the Council. On the reading of all which *etc.* Mr. Secry. Clarke as next eldest Councillor offer'd to take the usual oaths to qualifye himself for the administration of the Government. To which all agreed, except Mr. Alexander who declared he was not ready to give his opinion *etc.*

1736. [272 ii.]

He was accordingly sworn, having taken the oaths appointed *etc.* *True copy certified by*, Fred. Morrice, D. Cl. Counc. 1 p.

272. iii. Minutes of Council of New York, 24th Nov., 1735. *Present*, Mr. Kennedy, Mr. Cheif Justice, Mr. Courtlandt, Mr. Lane, Mr. Horsemanden. Being called into H.E.'s bedchamber, His Excellency was pleased to tell the Gentlemen of the Council that he thought it necessary for H.M. service and the interest of this Province to suspend Rip Van Dam, Esq., from the place and office of a Councillour, and from his having any further seat at the Council Board, and H.E. did accordingly suspend him ordering his suspension to be entered in the Minutes of the Council, and at the same time H.E. was pleased to declare he wou'd lay his reasons for so doing before His Majesty and the Lords of Trade and ordered that a copy hereof should be served on the said Rip Van Dam. *Copy certified as preceding.* 1 p.
272. iv. Rip Van Dam to the Honble. George Clarke, one of H.M. Council for New York *etc.* 11th March, 1736. Requests delivery of Commission, Instruction and Seal to himself as eldest Councillor *etc. as described March 11th supra.* *Signed*, Rip Van Dam. *Copy.* 1 p.
272. v. Mr. Clarke to Mr. Rip Van Dam. Reply to preceding, *as described 11th March, supra.* *Signed*, Geo. Clarke. *Copy.* 1 p.
272. vi. Protestation of Rip Van Dam. Duplicate of 11th March *supra.* *Copy.* 3 pp.
272. vii. Certificate by Five Members of Council of New York. March 15, 1736. Whereas it has been industriously reported that his late Excellency was delirious at the time of the suspension of Rip Van Dam *etc.*, now to prevent any inconveniencys and mischiefs that might arise from such weak, disingenuous and wicked suggestions, we *etc.* do hereby certify that the said report is utterly groundless and false, and that his late Excellency at the time of the said suspension appeared to be perfectly in his senses, and that he did then suspend the said Rip Van Dam and ordered the Clerke to enter the same in the Minutes of Council, saying at the same time that 'twas uncertain what turn his distemper might take, that he was unwilling (in case any accident should happen to him) the Province should be left in confusion, that therefore he thought it necessary for H.M. service and the interest of this Province to suspend Mr. Van Dam from the Council. *Signed*, Archd. Kennedy, James De Lancey, Phillip Cortlandt, Henry Lane, Dan. Horsmanden. 1 p.
272. viii. Deposition of John Felton and Charles Williams. 15th March, 1736. Were present when H.E. suspended Rip Van Dam. He was that whole day perfectly well in his senses and as capable of giving directions in that



1736. [272 viii.]

affair as ever he was in his life. *Signed*, John Felton, Charles Williams. 1 p. [C.O. 5, 1093. ff 342-344 v., 345 v., 346, 348, 350, 352, 354, 356-357, 358, 359, and duplicates of enclosures i-vii, C.O. 5, 1093. ff. 369-371, 373, 375, 377, 379.]

March 16.  
New York.

**273.** Mr. Clarke, President of the Council of New York, to the Council of Trade and Plantations. Governor Cosby departed this life after a severe fit of sickness that held him above fifteen weeks *etc.* *Describes* incidents after Governor Cosby's death, and Mr. Rip Van Dam's demands and protest *as in preceding* (v. 11th March). *Continues*: This demand and protest is with a view to sue me for the profits of the Government in case he be restored, and I must expect it in the severest manner, but as I have had the honor to see your Lordships' letter to Govr. Cosby dated the fifth of September last acquainting him that you had made a representation to H.M. for removing Mr. Van Dam and Mr. Alexander from the Council Board, I presume to hope they will be removed and the gentlemen whom your Lordships have recommended, being merchants of eminence and of very fair characters, appointed in their room. As soon as the Governor's suspension of Mr. Van Dam was known, as it was that very day a copy being then served on him, the restless faction appeared very active, and great pains were taken to prepare the mob for an insurrection, and the soberest and most thinking men have not been without apprehensions of some such attempt. They gave out many things to arouse and to corrupt the minds of the people, among others that the Governor had no power to suspend, or, if he had, that the suspension dyed with him, that they have got the opinion of some lawyers in other provinces confirming their own. However, notwithstanding all their noise and threats, I have the honor to be peaceably possess of the Government, and have reason to hope that by a mild and prudent conduct I shall reclaim the people to their due obedience, and in time restore tranquility to the province to which I am bold to say that nothing will so much contribute as H.M. dismissing Morris from his pretensions to be restored to the Chief Justiceship and Van Dam and Alexander from the Council, those being the heads of the faction, who openly declaim against the King's prerogative, who poison the minds of the people, who libel the Governmt. in weekly printed papers and who have endeavoured to distress the Governor in his just administration; But if these men are not removed, the people will grow still bolder in their attempts on H.M. prerogative and the spirit of faction increase as the Ringleaders are countenanc'd. I do assure your Lordships that no private prejudice sways me to this representation; I have had the honor to serve the Crown many years in this province, I have ever to the utmost of my power and in my station opposed all attempts against the prerogative and at the same time have lived in a friendly correspondence with all men nor ever had any personal misunderstanding with any of my fellow Councillors: what I have said proceeds from the sincerity of my heart intirely devoted to H.M. service: had not

1736.

[273]

Mr. Van Dam been suspended he would have been but a tool in others' hands, he is very old, and that small share of natural understanding which he had formerly is much impaired; he is lookt upon as the head of the faction, only as he had once the administration of the Government as president on Coll. Montgomerie's death; a time wherein no spirit of party appeared. If Van Dam be restored, he will load me with prosecutions and I shall be undone, they have already hanged me under a feigned name in a fictitious piece of History about a month ago, in one of their printed papers; but their inhumanity to the Governor and his afflicted family was much greater. I was in health and could laugh at it; the Governor was in a weak and languishing condition, and his family in the utmost affliction. I humbly implore your Lordships' protection, and hope for it no longer then I shall exert myself in the support of H.M. rightfull authority, and for the prosperity of the Province. I am placed in my present station not by my own seeking but from the apprehensions Governor Cosby had of the evils that would ensue from the malice and range of faction if Van Dam were not suspended, and it would be the hardest case in the world if I should be undone for it. I inclose to your Lordships the certificate No. F. and affidavit No. G. to shew the falsehood of the assertion in Van Dam's protest; and the printed paper I mentioned, and a proclamation for continuing officers in their places. I beseech your Lordships to prevent my ruin, *etc.* *P.S.*—I could not possibly get another copy of Van Dam's protest transcribed in time. *Signed, Geo. Clarke. 5 pp. Enclosed,*

273. i. Mr. Clarke, President of the Council of New York, to Horatio Walpole. On the 10th instant Governor Cosby dyed, I immediately summoned all the Council then in town being seven, who upon reading H.M. Commission and Instructions to the Governor and his Exely's. suspension of Mr. Van Dam declared their opinion that the administration of the Government devolved on me and accordingly administered the oaths to me, not one of them dissenting except Mr. Alexander who said he was not prepared to give his opinion, tho' it is notorious that from him the notions have come and been propagated among the mob that the Governor had no power to suspend or, if he had, that the suspension would dye with the Governor. The next day being in the Council Chamber the Officer of the Guard told me that Van Dam was coming up to the fort. I answered it is very well, and without saying more he ordered the gate to be shut fearing a mob would follow. Soon after the officer returned to me and told me that Van Dam wanted to speak with Mrs. Cosby; he acquainted her with it and delivered her answer that her great affliction would not suffer her to see him, then he desired that two witnesses whom he brought with him might deliver her an open letter which he had in his hand, but the like answer being given, he desired the officer to deliver it, and to tell me



1736. [273 i.]

he wanted to speak with me ; as I was going to the gate I was told that the wicket was shut, I ordered it to be opened and went out to Van Dam who put into my hand an open letter from himself directed to me and desiring my present answer in writing, I said that I would send it to him and then he went away ; upon enquiry the gate was shut because the day the Governor dyed it was so ordered that nobody might come into the fort while the Council was sitting and I mention it to your Exly. because he takes notice of it in his protest, but I have forgot to mention it to His Grace the Duke of New Castle and to the Lords of Trade. Both the letters, that to Mrs. Cosby and that to me, contain a demand of the Commission, Instructions and Seal ; about an hour after I sent him my answer in writing, the next day he served me with a protest, and the next day after that all or most of the Council *etc.* This demand and protest are done with a view to sue me for the profits of the Government in case he be restored and I must expect it in the severest manner, the consequence whereof will be my ruin, and the perpetuating the spirit of faction be the ruin of the province ; on the contrary if Van Dam and Alexander be removed from the Council Board, as the Lords of Trade represented to H.M. in the King's absence and Morris be not restored to the Chief Justiceship, I have as great hopes as ever to restore tranquility to the province. Those who are the head of the faction those are they who declaim openly against the King's prerogative, who libel the Government in weekly printed papers, and who have endeavoured to distress the Governor in his administration. I mention all these, tho' Van Dam only lends them his name, being himself of a very great age and that small share of understanding which he formerly had much impaired, and tho' Morris himself be in England yet his son fills the place in the faction and it is the hopes of seeing these men continued or restored to their places that attach the mob to them. If they are dismissed, their followers will soon leave them and return to their former duty and obedience to the Governmt. I did, Sir, in my letter of the 16th of January last humbly implore your protection in several things *etc.* Refers to it and his letter to the Duke of Newcastle, March 16, asking for his protection *etc.* Signed, Geo Clarke. Copy. 4 pp. [C.O. 5, 1093. ff. 361-362 v.]

March 16.  
Whitehall.

**274.** Mr. Popple to Lt. Govr. Gooch. *Acknowledges* letters of 18th July and 5th and 26th Nov. last. *Continues* : My Lords Commissioners in a little time will return you an answer thereto. In the mean time their Lordships desire to know what progress has been made by the Commissioners in the survey and settlement of the boundaries of the Lord Fairfax's grant, and hope you will

1736. [274]

give all the assistance and dispatch to the determination of that affair in your power. [*C.O.* 5, 1366. *pp.* 136, 137.]

March 18.  
Whitehall.

**275.** Duke of Newcastle to President Dottin. Having lately received from the Lords Commissioners of the Admiralty, a copy of a letter from Captain Reddish, Commander of H.M. ship the *Fox*, stationed at Barbados, inclosing a copy of one that was wrote to him by your order, representing, that soon after the evacuation of the Island of Sta. Lucia, pursuant to the orders that were agreed upon, in the year 1730, between H.M. and the French King for the entire evacuation of that island, and those of St. Vincents and Dominico, by the subjects of both nations, untill the right to them should be fully determined, the French had returned, in a few days, to Sta. Lucia, and were daily increasing; and the Board of Trade having also sent me the like account, I laid them both before the King, who was pleased to command me to transmit them to my Lord Waldegrave, H.M. Ambassador at Paris, with orders to His Excellency, to make the proper instances to the Court of France, that his Most Christian Majesty's Governors, in the West Indies, might be forthwith directed to cause all his subjects to remove from those islands, and not to return thither, untill the right to them should be fully settled, according to the agreement above-mentioned; since which Mor. Chavigny, the French Minister here, has put into my hands the substance of two letters from Mor. Champigny, Govr. of Martinico, whereof I send you a copy for your information; you will see, that Mor. Champigny gives an account, that upon your having represented to him, that notwithstanding the publication of the Orders afore-said at Sta. Lucia, there were still on that Island a greater number of French than ever, and requiring him to put his orders in execution, he had sent a proper officer thither for that purpose, who had agreed with the person appointed by you, on the same occasion, that the subjects of both nations, that were at that time on the island, should be allowed to remain there, till May next, to gather in their cotton, but should then evacuate the place; so that H.M. hopes soon to hear from you, that those orders have been effectually complied with. It is, however, H.M. pleasure, that you should, from time to time, inform yourself, whether the French continue to observe the said orders, and if you should find they do not, but are returned to Sta. Lucia, you will send me the earliest notice of it, that proper directions may be given thereupon. I take this opportunity to acknowledge your letter of the 2nd of August last, which I laid before the King as soon as it came to my hands. H.M. was graciously pleased to approve your conduct in the administration of the government of His Island of Barbados, which was devolved upon you by the death of my Lord Howe, and to commend the regard that was shewn to his widow, by the Act which you had passed in her favour. I was glad to find by the addresses from yourself, the Council and Assembly, and from the Grand Jury of Barbados, that were delivered to me by your agents and which have been presented to the King, that you had received the cannon that were sent for your defence, and that



1736. [275]

H.M. subjects there have a due sense of his particular care and concern for their ease and welfare. I hope soon to receive the account of the fees of the officers and Courts of Barbados, pursuant to H.M. Order in Council, which I transmitted to you in my letter of the 30th of April last. *Endorsed, Draft. 5 pp. [C.O. 28, 45. ff. 355-357.]*

March 20.  
New  
Providence.

**276.** Governor Fitzwilliam to the Duke of Newcastle. Since the letter I had the honour to write, 22nd Dec., there did not anything happen here worthy your Grace's notice, until three days since when, as the Corporal of the Guard in the Garrison was calling over the roll at eight a clock at night, one George Collins (formerly a deserter from Clare's Regiment in France and since from Cornwallis's) knocked him down; whereupon a great number of his accomplices started up and also knock'd down several of the men, calling out, at the same time, Who is for Old England? and in a very little time got possession of the fort and the few small arms there. While the mutineers were thus employ'd, a centinel, posted on one of the bastions, got over the fort-wall, ran up to my house and gave me notice thereof: upon which I took a sword in my hand and ordered the two or three soldiers, that usually do duty there in the night to follow me and I made the best haste I could to the garrison, believing it was a riot occasioned only by drink, which I should soon quell, but as I came near the fort gate, which I imagined I saw open, I call'd to one of my serjeants, that was just before me, to endeavour to secure it; but my voice was no sooner heard than six or seven muskets were fired at me and upon ordering the men I brought from my house to return the fire at a crowd I saw assembled on one of the bastions, they and their associates upon another fired a whole volley at me, whereby the serjeant was shot thro' the arm, and his clothes in many places, and the soldier that was almost close by me fell by a wound he received, of which he dyed. However I still imagin'd this insurrection was the sudden effects of liquor, which I heard has been carried that day into the Garrison, but I soon found it was a premeditated scheme, for they were all regularly upon their guard round the ramparts and fired at everybody that offered to come near them, which prevented a design I had of getting into the fort by ladders with a few people to surprize them: so that I had no recourse but to the inhabitants, of whom I got together as many as I could at that time of the night, but they had neither powder nor ball, nor more than twenty-five small arms among them, and ten or a dozen of those were not fit for service, and out of these few I was forced to send a small detachment under the command of Mr. Stewart, my surgeon, who was the only person of resolution about me, upon whose conduct I could depend, to defend the powder lodged in an old house about a quarter of a mile from the fort, which I had no sooner done than I had an account that a strong party of the mutineers were come out of the Garrison to secure me and two sloops that lay in the harbour, which they had fired the great guns at several times before, to oblige them to come nearer the

1736. [276]

fort, but I was at this time about a mile to the eastward of the town, where I understood that one Charles Walker of this Island had luckily removed a small schooner belonging to himself out of sight of the fort, and that there were a few small arms on board her : and upon receiving notice that they had taken one of the sloops in which they were determin'd to go away, I put thirty-six of the inhabitants on board Walker's schooner, under his command, with directions to get every ready to sail upon the first notice from me, and then I came into the Town with seven or eight people who could muster no more than four small arms among them, and of these men I sent two or three to observe the motions of the mutineers, who (being repulsed at the magazine which they went to blow up) had by that time broke open the stores in which the provisions were I had laid in for the Garrison for the ensuing year, of which, having first destroyed a great deal, they took what they thought necessary for their intended voyage to the Havana, and then nail'd up the great guns which point to the harbour's mouth, got on board and under sail : Whereupon I sent immediate orders to Walker to get under sail and follow them, which he executed so diligently that he kept sight of them all night, came up to and took them at sun rise without any bloodshed more than one of the mutineers being shot thro' the ear (the aforesaid Collins whom they had appointed their chief having lost all command over them) and they were brought in here the same day in the evening and the next morning (the Act for punishing mutiny and desertion being of no force here) I called a Court of Admiralty for tryal of pirates, which pass'd sentence of death upon them (in number forty-two) and upon a seaman combin'd with them, whom they had taken out of the public gaol to be their pilot, where he had been committed some time for felony, eleven of whom and the said pilot were immediately executed as being principal promoters of and actors in this insurrection, of which twelve, six had been deserters from the Duke of Berwick's regiment at Philipsburgh, and proposed a scheme of leaving one half of the mutineers to defend this fort, whilst the rest went to the Havana to offer it to the Spaniards, one other who formerly conspired the death of my predecessor Mr. Rogers, and the other five besides their being formerly deserters from English regiments and principals in every desertion that has been attempted both in my time and that of my predecessors, entered into the scheme of the said deserters from the French service to deliver up the fort as beforementioned. It would swell this letter to too great a bulk to trouble your Grace with the particular or source of this mutiny, which had never happen'd if any notice had been taken of my frequent representations at the War Office (ever since my first appointment to this Government) of the miserable and unhappy state of this little Garrison, who have neither barracks to shelter them, sufficient victuals to eat, medicines for times of sickness, arms to defend or officers to command them, wherefore I chuse rather your Grace shall be fully informed by my letters to the late Sr. William Strickland, copies whereof I have (as I am directed by my instructions and for my own justification)



1736.

[276]

transmitted to the Lords Commissioners for Trade *etc.* [See March 8 *supra.*] *Continues* : I humbly beg leave *etc.* to mention the affliction of mind I have labour'd under some time past occasioned by an information I have had from home that Colebrooke hath most basely misrepresented my conduct in this little Government to your Grace, in so much that you are displeased with me, which, in addition to the other misfortunes I have struggled with since I have been here, would quite sink me, were I not satisfied in myself that your humanity and Justice will never suffer your Grace, upon meer report of ill-designing men, to give up, without a hearing, a man of your own preferring and to whom you have upon many occasions been so true a friend. Therefore what I would most earnestly beseech your Grace is that you will not harbour any ill opinion of me before I am found capable, particularly since my accuser and his few accomplices can be proved of such evil fame as would, in my poor way of thinking, destroy their credit, even in a Court of common law. If my little employment, which has hitherto been attended with much more vexation than profit, be what is sought after, as most certainly it is, I am confident your Grace will, when you come to be truly apprized of my unhappy situation hitherto, be convinced I have dearly earned my poor pittance here, *etc.* Signed, Rd. Fitzwilliam. *Endorsed*, R. July 13th. 4 $\frac{3}{4}$  pp. [C.O. 23, 14. ff. 269-271, 272 v.]

March 20.

New  
Providence.

**277.** Governor Fitzwilliam to the Council of Trade and Plantations. Before I had an opportunity of sending away my letter of the 8th of this instant, which accompanys this, a very extraordinary mutiny or insurrection happened in this little Garrison, the particulars of which your Lordships will be informed of by the enclosed copy of a letter I have upon this occasion wrote to the Secretary at War. This unhappy affair has struck such a terror into many of the inhabitants, that they talk of leaving the island, and unless something be speedily done in favour of this place it will certainly be abandoned by them ; for they allege the promises that I have made them, that the soil would be forthwith purchased from the Proprietors and Lessees, the garrison repair'd, and new works erected for their defence, and that the Ministry would think of proper measures to encrease their number, are nothing but amusements imposed upon them by me and my predecessors these fifteen years past ; for that if any such things had been in agitation they must have been done long ere this : Hence your Lordships may judge of my situation here, for what between a starv'd mutinous garrison, without any officers to command them, and a frightened, dissatisfied people, you cannot but imagine I am reduced to very great straits to keep this Government together, and I cannot help saying in my own justification upon this occasion, that if I had the proper command of my own officers, and was left to judge when they might be absent or ought to be present, or were any regard had to any representations concerning the state of this Company under my command, this accident could never have happened. But if your Lordships will be so good as to forward the accomplishment of those proposals

1736. [277]

I have so often made concerning the Garrison and speedily do some little thing to encourage the inhabitants and encrease them by sending hither a few Palatine familys, I will from thenceforward answer with my life, for the obedience of the former, and to please and satisfy the latter, which I can never hope to do without being supported and assisted from home in a proper manner. Sr. Charles Wager, who has been long thoroughly acquainted of the consequence of this place to the Crown, the turn of the inhabitants and the nearness of our neighbourhood to the Spaniards, who, upon every frivolous pretence, take vessels trading this way, station'd a small frigate here with such instructions to the Captain as the Board of Admiralty thought proper, to which I am an utter stranger, having never seen them, which I cannot impute to any other than the general tenaciousness of the sea captains that a land-man should no ways interfere with them, which indeed I should chuse to avoid for my own ease, did not H.M. service very often suffer by this kind of independent commands ; for when one of H.M. ships is sent to attend the service of an American Government, surely it cannot derogate from a private Captain to be obliged to produce his Instructions to the Governor of the country where he is stationed, consult and be advised by him in everything that may occur for the publick good and not leave his station (unless by order of his superiors) without his approbation. I would not be understood by your Lordships to complain of the behaviour of the present Captain of H.M. ship stationed here, because I know he is, by the particular favour of Sr. Charles Wager to me, more obliging then perhaps he otherwise would ; but upon this occasion of the fright of the inhabitants by the late mutiny, if your Lordships could prevail upon the Lords of the Admiralty to instruct this Gentleman now upon the Station, or who ever relieves him in some such manner as before mentioned, it would be for H.M. service ; and moreover if he were directed, whenever he goes out to cruise among the islands, to leave a dozen men in this harbour on board a small sloop that might be provided or built here of this country wood for about three hundred pound sterling, and would last twenty years for that purpose and other uses of the Government, under the command of a midshipman or some other inferior officer who in his absence should receive his order from the Commander-in-Chief here for the time being, it would prevent all future desertions or mutinys, and ease the minds of the inhabitants ; for if the soldiers were to see a vessel always equipped here with some men on board and ready to take others to pursue them in case of any attempt to desert, they never would venture on anything like what lately happen'd, besides such a small vessel, particularly if there were a good pilote of this Island always upon pay to command her, might prevent the hourly apprehensions the poor people of the country are under of being ruined by their vessels being taken away by such deserters (as in this last instance and many others of lesser note, that might be given within these few years past) and be sent out, upon any emergency, to the French or Spanish coasts to gain such information as might, from time



1736. [277]  
to time, be wanted, and also pursue any little pyrate or guarda de costa, that may happen to come among these Islands into shoal water, where the least of H.M. fregats cannot come at them *etc.* *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 13th July, Read 27th Oct., 1736.  $2\frac{1}{2}$  pp. [C.O. 23, 3. ff. 187-188 v.]
- March 21. **278.** Mr. Lewis Morris to the Duke of Newcastle. *Abstract.*  
Buck'm  
Street,  
York  
Buildings.  
Prays to be restored to his office of Chief Justice, in accordance with the report of the Committee of the Privy Council, approved by H.M., that the reasons assigned by Governor Cosby for his removal were insufficient. Believes Mr. Cosby is fully convinced that his removal neither has been, nor is likely to be attended with any good consequence to himself, but has procured him a general dislike *etc.* Some check is necessary to abate the impetuosity of his temper. *Concludes* : I have been a long time on this side of the water *etc.* at a greater expence than I am well able to beare *etc.* *Signed*, Lewis Morris. 2 pp. [C.O. 5, 1093. ff. 386, 386 v.]
- March 26. **279.** Governor Fitzwilliam to the Council of Trade and  
New  
Providence.  
Plantations. Encloses Journal of Council and list of shipping, and refers to this account of the mutiny (*v.* March 8th and 20th), "whereof I beg your consideration as soon as it suits your convenience ; for 'twill be impossible for me to answer the ends of my being sent hither without your Lordships' interposition in favour of this miserable place." *Signed*, Rd. Fitzwilliam, *Endorsed*, Recd. 4th March, Read 7th Sept., 1737. Duplicate. Original not recd.  $\frac{3}{4}$  p. [C.O. 23, 4. ff. 1, 2 v.]
- [March 26.] **280.** Mr. Partridge to Mr. Popple. Encloses list of Governor (John Wanton), Deputy Governor (George Hazard), Assistants on Council, and other officers of Rhode Island for 1734. *Concludes* :—They choose them annually ye 1st Wednesday in May, and I am apt to think they are the same this year, but am not certain *etc.* *Signed*, Thy Friend, Rd. Partridge. *Endorsed*, Recd. Read 26th March, 1736.  $\frac{3}{4}$  p. [C.O. 5, 1268. ff. 185, 190 v.]
- March 31. **281.** Council of Trade and Plantations to the Lords Commis-  
Whitehall.  
sioners of the Treasury. Enclose accounts of incidental charges of all the Office from Christmas, 1735 to Lady Day following, and request payment of one quarter's salaries now due. *v.* Journal. [C.O. 389, 37. pp. 370, 371.]
- [April 6.] **282.** Proposals for the beginning of a Civil Government in Nova Scotia. (*v.* April 14th). 1. That a certain number of gentlemen, merchants and others be incorporated Trustees for promoting the said settlement. 2. That the Trustees or President or Deputy Governor of the Province, who shall be approved by H.M., and give £2,000 security for his due observance of the Acts of Trade and Navigation, and of all such Instructions

1736.

[282]

as shall from time to time be given or sent to him from H.M. 3. That the President or Govr. have power to name 12 substantial persons resident in ye Province, to be his standing Council, and vacancies happening therein shall be supply'd as H.M. shall think fit. 4. That the Govr. with the advice of his Council, shall have power to grant land to all settlers, in such manner and under such rents, services and reservations, as shall be appointed by ye Charter to the Trustees, or H.M. Instructions to the President or Govr. *N.B.*—It's intended yt. 200,000 acres of woodland be reserved for a perpetual supply for the Navy, and that whatever quantities of land shall be granted to private persons, townships etc. a like quantity be left in the neighbourhood to H.M. future disposal, on which land none shall be allowed to cut wood but by H.M. licence. 5. The President or Govr. with the advice of his Council, may appoint Courts of Adjudicature for hearing and trying all sorts of causes as well criminal as civil; provided the Chief Judges, Justices or Presidents of such Courts, as also the Attorneys and Solrs. General be appointed by H.M. 6. That so soon as there shall be a competent number of Freemen, planters and inhabitants settled in the Province, an Assembly shall be established, with whose advice and assistance the President or Govr. and the Council shall establish and enact such ordinances, Acts and laws as shall be thought necessary for the good governmt. and prosperity of the settlement. Provided that all such acts and ordinances be forthwith transmitted to the Board of Trade, in order to be laid before H.M. for his approbation or disallowance. 7. Provided also that the Receiver and Auditor General of the Revenues, the Surveyor Genl. and Secretary of the Province shall always be appointed by H.M., and that no land be granted without the advice and consent of 2 of those officers, and that all land so granted be entred and recorded in their respective offices. Provided also, that at the end of 15 years all ye right, claim, power etc. of the Trustees shall entirely cease; and whatever accounts, books or effects shall remain in the possession of the said Trustees at the end of the sd. 15 years, shall be delivered up by the said Trustees to such person or persons as H.M. shall appoint, for the use of the Province, and that then the Governmt. of ye Province shall return entirely into H.M. hands, to be exercised as in New York or any other Plantation immediately under H.M. protection. *Endorsed, Recd., Read 6th April, 1736. 3½ pp. [C.O. 217, 7. ff. 158-159 v.]*

April 7.  
Maryland.

**283.** Deputy Governor Ogle to the Council of Trade and Plantations. In reply to command of June 17, 1735, encloses list of Acts laying any duties on British trade or shipping, or on importation or exportation of negroes, armes or any other merchandize etc. *Signed, Sam. Ogle. Endorsed, Recd. 19th Aug., Read 20th Oct., 1736. 1 p. Enclosed,*

283. i. List of Acts of Maryland, 1661-1732, referred to in preceding.  $1\frac{1}{2}$  pp. [*C.O. 5, 1268. ff. 211, 212, 212 v, 213 v.*]



1736.

April 8.  
Amboor,  
New Jersey.

**284.** Col. John Hamilton, President of the Council, New Jersey, to the Duke of Newcastle. I am humbly to inform your Grace that on the 28th of March last John Anderson, Esq., *etc.* departed this life, upon whose death I took the administration of the Government of this Province upon me as eldest Councillor, which office I shall endeavor to discharge with the utmost fidelity to His Majesty and benefit of his subjects *etc.* There are now but five Councillors resideing in this Province, and one of them (Mr. Wells) so very old and infirm that he has not for some years past been capable of attending his duty in Council, so that if there should be a necessity for my calling an Assembly (which I shall not offerr to doe without some pressing occasion) there will not be a sufficient number of Councillors to make a Quorum *etc.* His late Excellency to make up the number of seven that could attend admitted William Provoost and Thomas Farman, Esqrs., and recommended John Seyler, John Rodman and Richard Smith, Esqrs., who are all gentlemen of worth and fortune *etc.* *Signed*, John Hamilton. *Endorsed*, R. June. *Holograph*. 3 pp. [*C.O.* 5, 983. *ff.* 58-59 v.]

April 9.  
Antigua.

**285.** Governor Mathew to the Council of Trade and Plantations. I pray leave to recommend again to your Lordships the Act passd by the Council and Assembly of Montserat *for raising a duty of four pence a ton upon all shipping to be paid in money in order to purchase arms for the use of the Island.* For that although H.M. was graciously pleas'd to order stores of all sorts to be sent to these Islands, yet none of the most necessary articles, as powder, small arms *etc.* were sent. For which I pray leave to referr your Lordships to the Agents for this Island, Nevis and St. Christophers for the reasons why. The news of peace has quite restor'd the people of Nevis to their usual indolence. The fortifying Sadle Hill, which was carryd on most vigorously for six months, is now all over. I hope what I wrote to your Lordships the 14th November last will plead effectually with you, to obtain a favourable construction on my forwardness in establishing legislatures in Anguilla, Spanish Town, and Tortola. I heartily wish H.M. service would allow to those Islands priviledges of making their own laws *etc.* *Signed*, William Mathew. *Endorsed*, Reed. 10th June, Read 30th Sept., 1736. 2 pp. [*C.O.* 152, 22. *ff.* 108, 109, 109 v.]

April 9.  
Antigua.

**286.** Governor Mathew to Mr. Popple. Encloses Journal of Assembly of Montserrat, and Minutes of Council of Montserrat and Nevis to 25th March, 1736, and following. *Signed*, William Mathew. *Endorsed*, Reed. 10th June, Read 30th Sept., 1736. *Holograph*. 1 p. *Enclosed*,

286. i. Treasurer's account, Nevis, to Feb. 20, 1736. *Totals*, Receipts (including balance from April, 1735, £358 1s. 7d.), £2,061 10s. 8½d. Expenditure, £1,749 13s. 10½d. *Signed and sworn to, by*, Edwd. Bridgwater, Treasr.; John Brodbelt. *Endorsed*, Reed. 10th June, 1736.

1736.

286. ii. Treasurer's account, Montserrat, to Feb. 1736. *Totals.* Receipts (including £146 10s. 6½*d.* brought forward), £3,620 8s. 8½*d.* Expenditure, £3,492 10s. *Signed*, Jno. Rognon. Passed in Council, Feb. 21, 1736. *True copy certified by*, John Warner, Clk. Conc. *Endorsed as preceding.* 3 *pp.*
286. iii. Abstract of births (32), marriages (8) and burials (27) in the parish of St. Thomas, Middle Island, St. Christophers, 30th Oct., 1734—1735. *Signed*, John Merac, Rector. *Endorsed as preceding.* ½ *p.*
286. iv. Abstract of births (25), marriages (7), and burials (8) in the parish of Trinity, Palmeto Point, 30th Oct., 1734—1735. *Signed and endorsed as preceding.* ½ *p.* [*C.O.* 152, 22. *ff.* 111, 112 *v.*—116 *v.*, 117 *v.*—118 *v.*]

April 10.  
Antigua.

**287.** Governor Mathew to Mr. Popple. Enclose Act of Nevis for raising a poll tax on negroes etc just received. "'Tis a money bill in the usual form, and therefore no remark remains for me to make on it." *Signed*, William Mathew. *Endorsed*, Reed. 10th June, Read 1st Oct., 1736. *Holograph.* 1 *p.* [*C.O.* 152, 22. *ff.* 119, 126 *v.*]

April 14.  
Prescot Street  
in Goodman's  
Fields.

**288.** Capt. Coram to Mr. Popple. Returns with comments the proposals given to him by the Board (*v.* April 6th), and desires to wait on the Board before report is made thereon etc. *Signed*, Thomas Coram. *Endorsed*, Reed. 15th April, Read 4th May, 1736. *Holograph.* 1 *p.* *Enclosed*,

288. i. Proposals as above, with Capt. Coram's observations thereon. 3½ *pp.* [*C.O.* 217, 5. *ff.* 160, 161—162 *v.*, 163 *v.*]

April 17.  
Barbados.

**289.** President Dottin to the Duke of Newcastle. I flatter'd myself with the hopes of being honour'd with your Grace's commands in answer to two letters which I thought it my duty to trouble you with, as I conceived the matters I mentioned therein were for H.M. service, and I hope my letters came safely to your Grace's hands. I had indeed the pleasure of obeying H.M. commands in swearing my nephew Abel Dottin, Esqr., one of the Council here in the room of the late Colo. Terrill, which I beg leave to make my humble acknowledgment for your Grace's favour in procuring that honour done him on my recommendation, and as it is impossible Mr. Ashley can longer attend his duty as a Councillor on account of what he owes, which will oblige him to stay at home and not stir out, I humbly take leave to repeat my recommendation of Colonel John Maycock as a person fitly qualified according to H.M. Instructions to supply his seat. I should without doubt have complied with H.M. pleasure in transmitting to your Grace long before now the best account I cou'd of what fees were taken by the several officers here at the time of her late Majesty Queen Anne's accession, but as I presumed to mention how difficult it was to have that truly ascertain'd and that besides it wou'd not, I imagin'd, answer H.M. intentions in



1736.

[289]

having those fees reduced within the bounds of moderation, as they were greatly enhanc'd long before then, but from the inhabitants not being in such bad circumstances, they were not so severely felt, that enquiry was not compleated, from my expectations of receiving your Grace's pleasure that the fees might be justly and fairly settled without being confin'd to a particular period of time, but since I have fail'd in my hopes, I shall now give directions to have that enquiry finish'd as soon as possible, that the same may be convey'd immediately afterwards to your Grace, who will herewith receive a copy of the letter which the General of Martinico thought fit to write me in answer to mine formerly transmitted, with a copy of my reply thereto, since which nothing more has been done, H.M. Council here being of opinion it was proper for me first to have further directions before any other step was taken, and as soon as your Grace thinks fit to signify your commands with respect to this and the settlement for the West Indies they shall be punctually perform'd on my part. Your Grace will likewise receive under the Seal of the Island cyps of several Acts pass'd here, the title and preamble of each of them so fully declares the reasons for their being enacted that I shall without taking up any of your precious time with observing on them, chuse to submit them to your Grace's consideration, etc.  
Signed, James Dottin. 1½ pp. *Enclosed,*

289. i. List of Acts sent with preceding. (i) An Act for the encouragement of *Majr. Thos. Spencer, Esqr.*, for a new project or method he has invented in the place and stead of lead on coppers, being less expensive, more dureable and convenient then what hath heretofore been used : (ii) Impowering the Vestry of the parish of *St. Joseph* to choose a churchwarden for the said parish to continue in the said office til the five and twentyeth day of March next : (iii) to provide for the expences of His Honour the President's table during his residence at *Pilgrims House* for the benefit of the publick : (iv) empowering the vestry of the parish of *St. Lucy* to choose a churchwarden for the said parish to continue in the said office till the twenty-fifth day of March next, and also to enable the vestrys of the several parishes in this Island to make choice of a churchwarden in case of the death or going off this Island of any churchwarden before the year for which he is elected expires : (v) Concerning the surveying of land in this Island : (vi) Appointing Agents for this Island in Great Britain : (vii) for the encouragement of *Thomas Spencer, Esqr.*, in a new project or method he has invented for the more easy and expeditious straining of liquors for making sugar and rum : (viii) declaring part of the Newtown house in the town of *St. Michael* to be the common gaol of this island, and empowering the Provost Marshall to make use of it as such. 1 p.
289. ii. Governor General of Martinique to President Dottin. Martinique, Dec. 20 (N.S.), 1735. *Abstract. As encl. i. in succeeding item.*

1736.

289. iii. President Dottin to the Marquis de Champigny.  
Jan. 28, 1738. *Reply to preceding. As in encl. ii in  
succeeding item.* [C.O. 28, 45. ff. 359-359 v., 361, 365,  
365 v., 367-368.]

April 17.  
Barbados.

**290.** President Dottin to the Council of Trade and Plantations.  
As I hope the letters I have done myself the honour of writing to your Lordships were safely deliver'd, especially the last by Capt. Nesbit, I promis'd myself the pleasure of receiving your Lordships' commands on what I had mention'd which needed notice, but being deprived of that satisfaction, I take this occasion of returning your Lordships my sincere thanks for the favours you have been pleased to shew to my recommendation in behalf of my nephew Abel Dottin, Esqr., who thereby is now sworn one of H.M. Council here in the room of the late Coll. Terrill, and if your Lordships will be pleased to recommend Coll. John Maycock in the room of John Ashley, Esqr., whose affairs will not permit him any longer to attend his duty in that station, I shall deem it a singular honour done me, and he is fitly qualify'd according to H.M. Instructions to be of his Council. I hereby transmit your Lordships a copy of the General of Martineco's answer to my letter inclos'd in the last packet by Nesbit with my reply thereto. I laid all these papers before the Council here, who thought nothing more was to be done without further orders which when I receive I shall duly comply with. I have likewise enclos'd copys of several Acts to which I have given my assent and as the title and Preamble of each fully sets forth the reasons for making them it wou'd be mispending your Lordships' time for me to observe thereon, and therefore I humbly submit them to your Lordships' consideration whether they are proper for H.M. approbation or disallowance. *Signed*, James Dottin. *Endorsed*, Reed. 23rd July, Read 24th Sept., 1736. 1 p. *Enclosed*,

290. i. M. le Marquis de Champigny, Governor General of the French West Indian Islands to President Dottin.  
Fort Royal, Martinique. 20th Dec. (N.S.), 1735.  
*Abstract.* Is surprised to learn from his letter of the 4th delivered by Capt. Raddish, that he thinks that the proclamations for the evacuation of Sta. Lucia published by Lord Howe and himself, Aug. 1733, have not been obeyed, but that the French are there in greater numbers than before. He would not permit such disobedience to his King's orders in an island under his very eyes. But being anxious not to omit anything which might contribute to maintaining the good understanding with his neighbours, he has sent some French officers with Capt. Raddish to verify the facts alleged in the depositions, and in case of any infringements, to renew the proclamation forbidding French subjects to remain at Sta. Lucia on pain of being punished as rebels. Expects the President likewise both to forbid British subjects to remain there, and all British ships to trade there, as they do with impunity every day, as is proved by the frequent



1736. [290 i.]

captures made by the French customs ships. Awaits with impatience the arrival of Governor Lord Howe, intending to propose acting in concert with him in order to put a stop to such trade, which is equally prejudicial to both countries. *Concludes*: Nothing, Sir, ought to prove to you more plainly the great advantage your Nation derives from this pernicious commerce, than the number of ships and other English vessels which are continually at Sta. Lucia, or on our coast, to trade there, in spite of all the precautions I can take to prevent them; in which I flatter myself I shall be able to succeed when the king's ships arrive which I expect daily. *Signed*, Champigny. *Endorsed*, Recd. 23rd July, 1736. *French*. 2 pp.

290. ii. President Dottin to the Marquis de Champigny. Barbados. Pilgrim. Jan. 28, 173 $\frac{1}{2}$ . *Abstract*. Explains that, though the style of his letters seems to indicate that he regards a President of Barbados as little better than a private person, he is in fact, Commander-in-Chief to all intents and purposes, and it is not therefore necessary to await Lord Howe's arrival, before concerting the measures he mentions *etc.* Objects to the distrust he displays of the deposition for which he had vouched. However, as M. le Marquis sent officers to Sta. Lucia for information, and as Capt. Reddish informs him that many French families were remaining on that island, he hopes to hear of the entire evacuation of that place *etc.* As to ships trading to Martinique or Sta. Lucia, contrary to the treaties and orders of the two Crowns, nothing could give him greater pleasure than to hear that they are made prizes of, upon due proof of such indirect trading. Thinks such indirect trade to be vastly pernicious to the English nation in general, and in the end proves the ruin of those concerned in it, of which they have had many instances. Nor are the sufferers when lawfully seized worthy of the least compassion. But he is convinced by a number of depositions of persons of undoubted reputation that many of the prizes made by the French guard sloops are owing not so much to the score of an illegal trade as to the arbitrary and unjustifiable methods those guard sloops take in chasing vessels not bound to any of those islands, and having no intentions to trade there at all, who yet are carried into Martinique and there prosecuted. *Continues*:—With regard to the capture of a sloop belonging to one Major Fairchild, upon reading certain depositions relating thereto before your Excellency in Council, whereunto my testimonial was annex'd, in which the stile and title conferr'd on me by his Majesty, was incerted, after that was read, the same was look'd upon with so much derision and contempt, as I could not have thought Gentlemen of so polite a nation capable of *etc.* Would concur in

1736. [290 ii.]

any measures for stopping the many English vessels that do trade at Sta. Lucia and Martinique. But thinks the French must reap the greater advantage from it, as otherwise it would be no difficult matter for them to stop it, without awaiting a powerful armament from France *etc.* Signed, James Dottin. Endorsed, Recd. 23rd July, 1736. *Copy.* 2½ large pp.

290. iii. List of eight Acts, 1735, 1736, enclosed. *Same endorsement.* ¾ p. [C.O. 28, 24. ff. 171, 172–174 v., 175 v., 176 v., 177, 180 v.]

April 17.  
St. James's.

**291.** Petition of Wavell Smith, Secretary of the Leeward I., to the Duke of Newcastle. *Abstract.* By the annexed Order, Governor Mathew has commanded Memorialist's Deputy at Antigua to conform instantly to an old docket of fees made in 1703, or to be prosecuted *etc.* By this illegal order made upon application from the Assembly, memorialist's Deputy is obliged to take whatever fees are given him, and keep an account of the differences between the accustomed fees and those of 1703. The business in the Secretary's Office at Antigua is much varied from what it was in 1703, and the fees in the old docket cannot comprehend the business now in use. *Quotes* terms of letters patent granting offices to him and Savile Cust for life *etc.* *Petitions* for H.M. command to the Governor for repeal of said order, and protection of memorialist in the possession of the accustomed fees as they were paid to three predecessors *etc.* 1½ pp. *Enclosed,*

291. i. Order by Governor Mathew, 9th Feb., 1735½, referred to in preceding. *Copy.* 1½ pp.

291. ii. Minute of Council of Antigua, 2nd Feb., 1735½. Lt. Gover. Byam refused to comply with Assembly's message referred to in preceding, but sent to Governor Mathew for directions upon the matter. *Copy.* ½ p. [C.O. 152, 40. ff. 266 v., 269, 269 v.]

April 20.  
Whitehall.

**292.** Council of Trade and Plantations to the King. Ralph Izard, a member of Council in S. Carolina, having refused to act in that capacity, and Francis Yonge having resolved not to return and desired to resign his office of Councillor, *propose* John Colleton and John Brathwaite in their room. [C.O. 5, 401. pp. 171, 172.]

April 20.  
Whitehall.

**293.** Council of Trade and Plantations to the Duke of Newcastle. *Refer* to letter of Sept. 11th last *etc.* and enclosures received since. *Continue* :—Your Grace will perceive by the report of the Committee of Barbados, that the French have not only artfully evaded the intended evacuation of those islands [Sta. Lucia, St. Vincent and Dominico], but that they have since continually been encreasing, and are now settled in much greater numbers than ever they had there before *etc.* As this behaviour of the French is of the greatest consequence to our Sugar Colonies, and to the trade thereof, we desire to refer your Grace to our aforesaid letter of Sept. 11th *etc.*, to which we have nothing to add, but that the dangers we then apprehended are become by so



1736. [293]

much the more pressing as the French are more encreased in numbers and strength in those islands, to which, notwithstanding the pretended claim of the French, His Majesty has a most undoubted title: We therefore desire your Grace will please to receive H.M. directions upon this subject, the welfare of our Sugar Colonies depending thereon. *Enclosed*,

293. i. Extract from Report of Committee of Council of Barbados, 28th Oct., 1735, upon Sta. Lucia, St. Vincent and Dominico. 4½ pp.

293. ii. Extracts from depositions taken in proof of statements in preceding. 4 pp. [C.O. 152, 40. ff. 271, 271 v., 274-278 and without enclosures C.O. 29, 16. pp. 46, 47.]

April 21. **294.** Mr. Attorney General to Mr. Popple. I am sorry that we have not been able to get time to consider the Act *for ye better preservation of ye King's Woods in America etc.* It will be impossible now to do it till after ye holy days *etc.* Suggests that Mr. Fane should confer with the Solicitor General and himself after Easter, and that Mr. Popple should attend *etc.* *Signed*, J. Willes. *Endorsed*, Recd. 22nd April, Read 4th May, 1736. *Holograph*. 1 p. [C.O. 5, 879. ff. 2, 3 v.]

April 21. **295.** Order of Committee of Privy Council. Referring back to the Council of Trade and Plantations representations of 12th June and 4th Sept., 1735, proposing the sending of hemp-seed to the Massachusetts Bay and New Hampshire, for their reconsideration. *Signed*, Temple Stanyan. *Endorsed*, Recd., Read 7th May, 1736. 1 p. *Enclosed*,

295. i, ii. Copies of representations of 12th June and 4th Sept., 1735. [C.O. 5, 879. ff. 5, 6-7 v., 8 v.]

April 22. **296.** John Yeamans, Agent for Antigua, and Richard Coope, Agent for St. Christophers, to the Duke of Newcastle. By the Treaty of Peace and Neutrality, 1686, it is stipulated, that in case any disputes should arise in the colonies between the subjects of the said Crowns, they shall be determin'd by the Governours of the said Colonies respectively, but that if in a year their mutual controversies cannot be settled then the same should be transmitted to Great Britain and France to be determined according to justice, and as the respective Crowns shall think fit. H.M. subjects in the Southern parts of America have for several years past suffered great hardships by the depredations committed by the French, not only in a clandestine and piraticall manner, but openly by the authority of the French King's Arret of 1727 contrary to the peace and good correspondence which H.M. Subjects have endeavoured to cultivate with those of the Crown of France, and contrary to the express intent and genuine sense of the said Treaty. William Mathew, Esqr., H.M. Governor of the Leeward Islands has us'd all proper means with the Marqs. de Champigny the French Governour of Martinique that a stop might be put to these proceedings, but in vain. 'Tis therefore in compliance with the said Treaty, that we lay before your Grace the annex'd copys

1736.

[296]

of original transcripts relating thereto, as certified by the said Governour Mathew, and that we beg your Grace to represent the same to H.M. What regard is paid by the French to the said Treaty will appear to your Grace from comparing the 5th, 6th, 11th and 17th Articles thereof with the 3rd, 4th, 5th and 11th Articles of the French King's Edict in 1727, and in particular with Article the 3rd whereby all strangers are forbid to sail within a league of any of the French Islands, inhabited or not inhabited, under pain of forfeiting their vessells and cargoes and one thousand livres besides ; and all the subjects of France are permitted by a general letter of marque mentioned in the 5th Article to seize such vessells as in time of war. This Edict was the more severe on H.M. subjects, as no notice was given them of it or warning to keep out of its way ; and accordingly the first effects thereof fell on a poor innocent family or two at Sta. Cruz, an Island long since deserted by the French, consequently not within the meaning of the 5th Article of the said Treaty of Peace and Neutrality which regards such Islands only as were possess'd, or should be possess'd by either of the contracting powers. While this Edict subsists, the liberty of navigation stipulated in the 5th and 11th Articles of the said Treaty will be render'd very precarious, since 'tis scarce possible for H.M. subjects to sail to or from Barbadoes or any of the Leeward Islands, without running the risque by calms, currents, or contrary winds, of driving within a league of the French shores, and so falling into the hands of their *Guarde de cotes* ; and this in fact was the unfortunate case of a British shallop condemned at Guardeloupe, she drove by accident from the ship she belonged to in a dark night, she had neither victuals, drink, any arms, not so much as a musquet on board, yet the poor sailors not knowing what island they were come to, starving and in an open shallop, instead of meeting with the releif, humanity and kindness mentioned in the 6th Article of the said Treaty, were all imprison'd, fin'd, and strip'd naked, and the shallop was confiscated. This may it please your Grace is a fact that will be testified by Capt. Barnsly, Commander of H.M. ship the *Namure*, and if this is the equitable construction which the French put upon the said Treaty, 'tis humbly hoped that H.M. subjects may be allowed (could they prevail upon themselves to do it) to construe the said Treaty in the same equitable manner. If the reason given by the said Marqs. de Champigny in his letter be a good reason for the seizure of the English sloop *Amity*, namely because she was within a league of the French shore, the same reason becomes equally good, with great submission, on our part, and will sufficiently justify the seizure of the French sloop *Fortune*, mentioned in M. de Champigny's letter. If the two English sloops burnt by the French man-of-war and guard de cote at the deserted Island of Sta. Cruz had no legal trial and condemnation, as it is plain they had not, the Marqs. de Champigny can have little reason to expect the restitution of the French sloop *La Marie* because 'tis alledg'd she was not legally tryed and condemn'd. H.M. Commission to his Governors of the Leeward Islands, and your Grace's letter which



1736.

[296]

directed reprisals to be made, wou'd (as it's apprehended) justifie Governour Mathew if he had taken the *La Marie*, by way of reprisal, anywhere in the high seas. Your Memorialists further beg leave to represent that it appears by Mr. President Smith's letter that warning was given to the French, they were told, and indeed natural justice might instruct them, in what manner the English Government would be obliged to act in case these depredations were continued. But quite different has been the conduct of the French towards us, for the first notice H.M. subjects received of the French King's Edict of 1727, was by the burning of two of their sloops at Sta. Cruz. This affair has already been laid before your Grace together with the minutes of the Councill of St. Christophers thereupon, and the petition of the two unhappy sufferers, owners of the said sloops, who have since been reduced together with their familys to the lowest degree of poverty and distress. The methods prescribed in your Grace's letter for demanding restitution by a declaratory sentence have met with so little success, that the said Capt. Barnsly, Commander of H.M. ship *Namure*, who carryed such a demand to Guardeloup for *Mardenburg* sloop mentioned in the papers, received no other answer from the French but this, namely *that he might begin to make reprisals as soon as he pleas'd, where he should take one vessel they would take ten.* Governour Mathew weary of seeing H.M. subjects under his government used with such severity and contempt, beaten, imprison'd and thrown into dungeons without the common necessarys of life, and even in the case of touching at uninhabited islands thro' distress as appears by the annexd papers particularly, thought it his duty to fit out and man a very large sloop at his own expence for the purposes mentioned in the papers. 'Twas then at last that Mons. Champigny began to see the rigour of his Master's Edict, and declares he will represent it to his Court. So hard was it for the French Governour to see the irregularity of his own proceedings, till Mr. Mathew pointed it out to him by a resentment, which we hope your Grace will esteem, not only just, but even necessary for the vindication of H.M. honour, and for the security of the commerce of his subjects. Memorialists apprehend it to be highly reasonable that the charges which Governour Mathew has been at by the breach of the said Treaty on the part of the French, should be born out of the seizures he has made, and that the Crown of France should either be obliged to revoke the said Edict of 1727, or else that all H.M. Governour's in America may have full liberty to construe the Treaty of Neutrality as the French do. If coming within a league of the French shores is actually coming to trade, and if what is called a design to trade is trading tho without any proof of such design, then it follows that their coming within a league of our shores is with an intent to trade, and is trade, and that we ought to condemn as they do, for with great submission what is law to one nation ought to be so to another, in the construction of all Treaties whatsoever. Upon the whole we beg leave to reffer your Grace to the annexd papers for many more particulars

1736. [296]

of importance relating to this affair, humbly relying upon your Grace's goodness to construe in the most favourable manner what we have endeavoured to explain with regard to Governor Mathew's conduct, watchfulness and zeal for H.M. service, and for the protection and welfare of his subjects, beseeching your Grace at the same time to move H.M. for his gracious approbation of the measures the said Governour Mathew has taken herein, and to give such orders as H.M. in his wisdom and justice shall think fit for the relief of his subjects against the daily interruptions in their trade, and the other oppressions and hardships they suffer in their persons from the insults and depredations of the French in America. *Signed*, for Jno. Yeamans Esqr. and Self., Ri. Coope. *Endorsed*, Recd. (from Mr. Coope) 4th, Read 16th Nov., 1736. 5½ pp. *Enclosed*,

296. i. Extracts from Treaty of Peace and Neutrality, French Edict, 1727, Governor's Instructions, and copies of depositions, and correspondence of Duke of Newcastle, Governor Mathew, President Smith (Nevis), and Marquis de Champigny, 1732-1736, referred to in preceding. *Same endorsement*, 41 pp. [C.O. 152, 22. ff. 160-162 v., 163 v., 164 v-183, 184, 184 v., 185 v. and 156-158 v. *another copy*].

April 30.  
Boston.

**297.** Mr. Peagram, Surveyor General of the Customs in N. America, to Mr. Popple. *Reply* to his enquiry of 12th Dec. last, as to what has been the effect of the bounty given by the Province Act of 1735, *to encourage* the raising hemp and flax. The bounty has raised some people of industry and gentlemen. to plant it in some few acres of land which have produc'd tollerably well. But so little of the land is suitable for it, and the raising of it is attended with so great expence, and the term of that act so short, besides their want of seed for the first year, that the act has prov'd of no great consequence, tho' 'tis my opinion if the bounty had been given for ten years the planters wou'd have made a great progress in it. What views they had for giving the bounty on flax I don't know, but am inform'd there is little more of that produc'd than was before the bounty was given. About forty miles from this place there is a township call'd Nuttfield inhabited chiefly by Irish who in the winter employ themselves in making coarse linnen, and some fine has been made by way of experiment only, but with greater expence than it could be imported at. What linnen they make more than for their own use they generally barter for British commodities. In the summer their time is spent mostly in subduing their lands. What I have observ'd of the New England people is, they are not much inclin'd to learn manufactures. But their chief aim is to procure tracts of land, tho' there is no advantage arises from their possession than to sell them at high rates to persons that come over to settle, (which with submission I take to be a hinderance to the growth of this part of the Continent), *etc.* *Signed*, Jno. Peagram. *Endorsed*, Recd. 8th June, Read 11th Nov., 1736. 2½ pp. [C.O. 5, 879. ff. 77-78 v.].



1736.

May 3.  
New York.

**298.** President Clarke to the Duke of Newcastle. After Governor Cosby's death I adjourned the Assembly with the advice of the Council from the last tuesday in March to the last tuesday in April, as the season of the year would not sooner admit of their meeting, and then for two days more there not being a majority in town, but on that last day to which I adjourned them, the members in town (being fifteen of the twenty seven which compose the whole house) met, and haveing been severally served by Mr. Van Dam with a copy of his protest against me, and all that assist me (which I did myself the honor to send to your Grace the sixteenth of March) and with it a letter, which I now inclose, young Morris, Coll. Morris's son, a member of the House desired he might be heard before the Speaker took the Chair, and made an harangue to the like effect as Van Dam's letter, and then pul'd out of his pocket and read and offered it to the members to sign it, a declaration which was printed the next day with Van Dam's letter, and which I do myself likewise the honor to inclose, but tho the members then present would not sign it, yet they went away without makeing an House, and are so much intimidated that I doubt they will not sit till H.M. pleasure be signified on Van Dam's suspension. Tho the letter, my Lord, be in Van Dam's name and signed by him, he is to be considered as a weak old man given up to the management of Mr. Alexander, one of the Council, and to young Morris in his father's absence, being perhaps ignorant of the tendency of these things that are done in his name, I will not presume to speak my thoughts of them to your Grace, who can at one view see clearly into the design and consequences that must ensue if a check be not speedily put to them ; but this I am bold to say that, if H.M. will be pleased to signify his approbation of Van Dam's suspension, to remove Alexander from the Council, and to confirm Mr. De Lancey in the Chief Justiceship, the Assembly will then sit and act as becomes them, the spirit of faction will dye and the province enjoy its former quiet, for it is only the hope of seeing Van Dam and Morris restored and Alexander continued in his seat at the Council Board that keeps the mob on their side in expectation of favours. I humbly implore your Grace to take me into your protection to put it out of Van Dam's power to ruin me, as he will certainly attempt to do if he be restored, and to keep H.M. best subjects, who are the most eminent and considerable men in the province from falling under the power and resentment of the implacable enemies of the Government who in truth are in gross the meanest of the people. There is nothing of such immediate necessity for the Assembly's sitting but what may be done by them in the fall, and by that time I presume to hope I shall have the honor to receive from your Grace the signification of H.M. pleasure : in the meanwhile I will keep them on foot by short adjournments, preserve the peace of the province and act with the utmost moderation in all things. I shall be obliged my Lord to live at a very great expence not only to support the honor and dignity of the Government but to incourage and countenance all that

1736. [298]

are faithfull to it, I shall have few or no opportunities as others have had to make any money, because of the opposition that Van Dam gives me. I presume therefore to hope from your Grace's goodness and protection that H.M. will give me the whole salary, which will be no injury to a Governor, he not being intituled to any but from his arrival here, and Mr. Van Dam after Coll. Montgomerie's death took it without the King's warrant. If upon the confirmation of Van Dam's suspension, the removal of Alexander from the Council Board and the confirming Mr. De Lancey in the Chief Justiceship, I have the good fortune, as I am confident I shall, to reclaim the people to their duty and to heal their divisions, I likewise presume to hope that H.M. will be graciously pleased to continue me for some time longer in the administration of the Government that I may not leave it poorer than I entered on it, if your Grace will be pleased to give me your protection. I do myself the honor to inclose to your Grace a letter from Mr. Philipse, Speaker of the Assembly to me covering Mr. Van Dam's to him, this is the last and great effort of the faction, in every other part of my administration I assure your Grace I am easy, a majority of the Council being with me in all things wherein their advice or consent is necessary and the province in general easy under it, and busines goes on as usual, *etc.* I do myself the honor to inclose to yr. Grace some proofs of Mr. Alexander absenting himself from Council. *Signed*, Geo. Clarke. *Endorsed*, R. July 6th. 4 pp. *Enclosed*,

298. i. Col. Philipse to President Clarke. April 30, 1736.

As I was yesterday going to the Assembly Chamber, I mett in the City Hall a servant of Mr. Rip Van Dam, who told me Mr. Rip Van Dam had sent that packett to me, and then delivered into my hands the inclosed letter signed by Mr. Rip Van Dam, as likewise his protest; when I came into the Assembly Chamber I found some of my brethren there, and presently after we were fourteen members (being the majority of the whole house) some one of us then said Are we not enough to make a house? whereupon Coll. Morris junr. desired to say something previous to the Speaker's taking the chair; he immediately read a paper (I think he called it a speech) and then read another which he called a declaration. Having read the same, he asked the members to sign it *etc.* I believe nobody did, for I have this day seen a declaration in print to ye same purpose without any name subscribed thereto *etc.* *Signed*, Fred. Philipse. 1½ pp.

298. ii. Letter from Rip Van Dam Esq. to the Members of the Assembly. New York, April 26th, 1736. *Recounts* claim to the Administration (*v.* 11th March), to which if Mr. Clarke has not the right, it is a high crime in him to have taken it upon him *etc.* Warns them against meeting and acting as members of the Legislature if it should appear that the authority of Clarke, by virtue of which they do it, was not good. The General



1736. [298 ii.]

Assembly, which stood adjourned to the last Tuesday of March, Clarke did not suffer to meet, but under colour of the authority assumed by him, adjourned them to a farther day, "whereby for want of an adjournment or prorgation by a lawful authority, on the said last Tuesday of March, the said late General Assembly, as I conceive, immediately after the said day, became dissolved," etc. If the General Assembly had met on the said last Tuesday of March, which by lawful authority they might have done and adjourned themselves from time to time, I intended to have laid my claim *etc.* before them for their examination, *etc.*; but now, that Assembly having no existence, unless Mr. Clarke's right be good, their very taking upon them to enter into the examination of Mr. Clarke's right or mine, or doing any other act as a body, is of itself determining the point against me, and should I submit my right to their examination, it would be an acknowledgment of his right to adjourn them, and consequently to take upon him the administration. *Exhorts them* to do what is most honourable and safe for their own persons and estates, and for their country and posterity, *etc.* *Signed*, Rip Van Dam. *Printed.* 1½ pp.

298. iii. Declaration read by Lewis Morris jr., at a meeting of sundry members of the Assembly of New York, "that stood adjourned, by their own adjournment to the last Tuesday of March last." April 29, 1736. Fifteen members present. The document (which was not signed) declares their agreement with Rip Van Dam's argument (*No. ii*). The Council, it suggests, having sworn George Clarke into the administration without giving Rip Van Dam any opportunity to be heard to his claim; and the Assembly having been adjourned by Clarke, and therefore dissolved, if he had no right to do so; and the opportunity of examining Van Dam's right being thus lost, except by the verdict of a jury; they think that, if Clarke is adjudged to have been in the wrong, he and those who aid and abet him may be held guilty of one of the highest crimes. If, therefore, they meet as members of a General Assembly, it is not possible for them to know but that they are criminal for so doing. They cannot therefore be under any obligation to act so. *Concludes* :—We are not so fond of our seats in the Assembly, as to desire to retain them at the hazard of our lives, the risque of our estates, and the ruin of our families, especially considering how ardently and universally our country has for some years desired a new election of their Representatives *etc.* *Refuse* therefore to act as Members of the Legislature, till by a legal and sufficient authority it be determined that George Clarke had the right to take the administration upon him, and consequently to make

1736. [298 iii.]

the adjournment aforesaid *etc.* Upon which Declaration a very great majority withdrew, resolving not to act. *No Signatures. Printed. 2 pp. Copy. Signed and sealed by,* the Mayor of New York, Paul Richard.

298. iv. Adolph Philipse, Speaker of Assembly, to George Clarke, 29th April, 1736. Received letter and protest from Rip Van Dam, as *No. i*, which he opened in the Assembly Chamber. *Continues:* After some stay there, only twelve members appeared, and it being reckoned up that there were three more in town, the Doorkeeper was sent for them. And before the last of them came in, it was asked whether we were not a number sufficient to make a House. Upon which Collo. Lewis Morris, junr. (Member for the burrough of Westchester) replied We are, but beggd leave to say something first: and pulling two papers out of his pocket, he read, first a pretty long speech, tending to perswade the members, that they could not legally sitt or act; and then a long Declaration to that purpose which he proposed they should sign. I gave some reasons why I conceived we had as good a right to act now, as ever the Assembly had upon any adjournment heretofore; and declared my resolution not to sign such a Declaration as Collo. Morris proposed; who thereupon said he would sign it, tho all the other members declin'd it. Soon after which some members withdrew, and, others following, no House could be made *etc.* *Signed, A. Philipse. 2½ pp.*

298. v, vi. Duplicates of *No. ii.*

298. vii. Duplicate of *No. iii.*

298. viii. Deposition by Frederick Morrice. 3rd May, 1736. Since the death of Governor Cosby 9 Councils have been held at Fort George. James Alexander was not present at any one except on the 10th March. *Signed, Fred. Morrice. ¾ p.*

298. ix. Deposition of Jeffery Cox, Deputy Door Keeper and Messenger of the Council. May 3, 1736. Deponent summoned Alexander to above Councils, and left notices for him at his house *etc.* *Signed, Jeffery Cox. 1 p. [C.O. 5, 1093. ff. 388-389 v., 390 v., 391 v., 393-396, 398, 399-401, 402].*

May 5.

**299.** Sir Wm. Keith to the Council of Trade and Plantations. It was in Sepr. last twelve months that I had the honr. to make my humble application to your Grace to favour my being appointed H.M. Lt. Governour of New Jersey in America. But your Grace declining at that time to approve of separating the Government of that small province from New York, dureing Mr. Cosby's administration, I reddily desisted from further solicitation *etc.* The certain accounts of Mr. Cosby's death gives me room with great humility to renew my former application to yr. Grace, and as it is a thing which His Majtie did formerly



1736. [299]

approve of, I humbly hope your Grace will be so good, in regard to my diligent application heretofore in the public service, and my long attendance at London out of bussiness, to favour me with your countenance on this occasion, presuming that my capacity and character will be certified to your Grace by Sir Robert Walpole, the Duke of Montague and Sir Charles Wagers etc. *Signed*, W. Keith. *Holograph*. 2 pp. *Enclosed*,

299. i. William Skinner to [? Sir W. Keith] Amboy., March 15, 1735. *Refers to letter via Antigua*. *Continues* :— Coll. Cosby died the tenth of this instant, worried out of his life by a sett of men, whose names it is needless to mention ; and it is well if their malice is ended with his death. For if they employ'd a Press merely to throw all the dirt they could devise, even while the gentleman was upon a death bed, and that for three moneths at least, and his life every day despaired of ; if the melancholy abodings of his distress'd family and the tears of his Lady could not then prevail with ym. to be better natured, it is in vain to think they will forbear to be outrageous still, if it is in their power so to be. But be that as it will, the Province of New Jersey is resolved to apply for a separate Governour. The Council is to meet in two or three daies time, and the Assembly will be called together as soon as possible ; but to gain time, you will, pr. first, have recommended to your care the Council's Memorial expressing the sense of the people, and soon after you will hear from the Assembly, whose thoughts (I dare say) will be the same ; for the whole Province is bent upon having a separate Governour, and they say will support him as becomes his character. I believe they are in good earnest, but to render the support effectual and them a happy people, much will depend upon the address and capacity of the first Governour that is appointed, for if he can but render himself acceptable to the people, everything will be in his power. I heartily wish you may have sufficient interest with your Royal Master and those great men about his throne to obtain this Govrmt., for yourself, for the cry, yea the prayer here is, May it be His Majesty's pleasure to send us Sir Wm. Keith for our Governour etc. *Signed*, Will Skinner. 1½ pp. [*C.O.* 5, 983. ff. 60-61 v.].

May 7.  
Whitehall.

300. Duke of Newcastle to the Council of Trade and Plantations. *Encloses* following for their report upon the state of the case and what may be proper to be done thereupon. *Signed*, Holles Newcastle. *Endorsed*, Recd., 12th, Read 13th May, 1736. 1 p. *Enclosed*,

300. i. Mr. Shirley to the Duke of Newcastle. Boston, March 1, 1735. The person who has the honour to deliver this into your Grace's hands is the Chief Sachem of the Mohegan Indians, who are a considerable

1736. [300 i.]

tribe adjoining H.M. Colony of Connecticut in New England : He comes to England in order to lay before H.M. a complaint against the Government of that Colony for unjustly depriving his tribe of their hunting and planting lands upon which they wholly subsist. The same complaint was made by his grandfather Owenecoe to her late Majesty, Queen Anne, who was pleased to issue out her Commission under the Great Seal of England directed to Governor Dudley and others to enquire into and determine the complt., and a Court was accordingly held, the unanimous judgment of which was, that the Indians were unjustly deprived of their lands, and orders were issued out to the Govr. and Company of the Colony of Connecticut pursuant to the Queen's Commission, to restore the Indians to the possession of their lands ; but the same have not been complied with, and the Indians have not only been amused with fruitless promises, but further encroachments have been made upon them, insomuch that they can't subsist themselves upon the lands now left them ; and they are in danger of falling off from the English, to which your Grace will perceive by the inclosed, which is a copy of what the bearer designs to present to H.M. ; they have ever been faithfull friends and allies in all their wars with the French and Indians, which would be of mischievous consequence to H.M. settlements here in time of war *etc.* *Recommends the bearer and his case to his Grace's patronage etc.* *Continues :—*The gentleman who has likewise the honour to wait upon your Grace with the Sachem was appointed Guardian of the Mohegan Indians by her late Majesty's Court of Commissioners at the request of the Indians. His grandfather and father before him had the same trust reposed in them by the Indians and confirmed to them by the General Assembly of the Colony : he bears an exceeding good character, and has supported the Indians with large sums of money against the unjust proceedings of the Colony of Connecticut ; and it is solely at his expence that the Indian Sachem and his companion are transported to England, which seemed necessary to him to be done in order for their obtaining justice, tho' the maintenance of them there will be more than his circumstances will bear *etc.* *Signed, Wm. Shirley. Copy. 3 pp. Enclosed,*

300. ii. Petition of the Chief Sachem of the Mohegan Indians to the King. May it please your Majesty to permit your vassell Mahomet, Chief Sachem of the Mohegan Indians to approach the Throne, imploring your Royal Protection against the injuries and wrongs, which he and his people suffer from your Majesty's subjects of the Colony of Connecticut in New England ; vouchsafe him your Gracious ear whilst he informs your



1736. [300 ii.]

Majesty that upon the first arrival of the English in his Ancestor's Territories in the time of your Majesty's Royal Predecessor King Charles the First; His Great Grandfather Unchas, a Sachem of warlike and famous memory both among the English and Indians, received and entertained them with the highest terms of hospitality and friendship, freely affording them large tracts of land for their new Settlements. That soon after yt. seating themselves there the Pequot Indians, then the most potent and formidable of all the tribes in those parts, viewing the English with a jealous and evil eye and being flushed with the murder of some of their men, and much superior to them in number and strength form'd a design and confederacy, into which they strongly invited the Moheagan and Narrowgansett Indians to cutt off the Infant Colony; in this dangerous crisis your Petitioner's Ancestor brought over his tribe to the timely assistance of the English, who under the conduct of the most renown'd soldier Major John Mason, with Sachem Unchas for their guide, surpriz'd and destroyed seven hundred of the enemy in one of their Forts, and after severall engagements with them utterly extirpated their whole tribe, to the establishment of the English Colony. For these good services to the English Sachem Unchas and his people were look'd upon as a common enemy by the neighbouring Indian tribes, who combined together against them, closely besieged them in their Forts, and had utterly destroyed their Tribe, had not their brave and faithfull friend Major Mason with his men assisted them and rescued them. That soon afterwards Sachem Unchas entred into a firm league of Alliance with the English, with whom he and his descendants, and his whole Tribe have ever inviolably kept faith, constantly assisting them in their wars against the French and Indians with a hundred and fifty fighting men, and sometimes a far superiour number, doing them many signall services, and from time to time making them free gifts and grants for small considerations, of severall tracts of their land, by which the Government of Connecticutt now holds twenty-one of their towns, being the greatest part of their Colony. This league was renewed some years after in the time of your Majesty's Royal Predecessor, King Charles the Second, who was pleas'd as a token of his acceptance and acknowledgment of the Moheagans' services to His Colony to Connecticutt to honour them with his Royal Notice by sending a Sword and a Bible. And the Government of Connecticutt in that Treaty stipulated with them, that upon complaint of any grievance or wrong done them the Generall Court should do them equal justice with the English; and in the year of Christ one thousand

1736. [300 ii.]

six hundred and eighty four a survey was made of the bounds of the Moheagan Lands and put upon the Colony Records by order of their General Court, and those lands which your Petitioner's ancestors had reserved to themselves and their tribe for their hunting and planting grounds, were Eight years afterwards confirmed by Act of the Act of Generall Court to Sachem Owenecoe, the eldest son and heir of Unchas, and to his son Mahomet, your Petitioner's father, and their heirs and successors unalienably. Hitherto good faith and friendship were maintained by the English towards the Moheagans. But at last, may it please your Majesty, a generation arose in the Colony of Connecticut, who knew not Unchas, and his successors but did, contrary to the faith of their Fathers' Leagues, their Publick Records, and the terms the Royall Charter, encroach upon the remainder of the Moheagan lands, which your Petitioner's ancestors had reserved to themselves and their people for their hunting and planting grounds, and by an Act of their Assembly distributed great part of the same among severall of their towns, and the Moheagans were threatened to be slain if they came upon those lands. Notwithstanding these infractions made by your Majesty's Colony upon the ancient friendship and alliance between them and the Moheagans, Sachem Owenecoe and your Petitioner's father Mahomet kept faith with the English, continuing their firm adherence and services to them in the time of the French Warr, nor was ever the blood of one English man spilt by any of their tribe, tho' much injur'd and greatly dissatisfied at their dealings with them, but on the contrary the Moheagans have shed their best blood in defence of the English. At length being quite tired out with oppression, and despairing of redress from the Generall Court of the Colony, Sachaem Owenecoe, your Petitioner's grandfather, remonstrated against these grievances to her late Pious Majesty Queen Anne, who was pleased in justice and compassion to the Moheagans, to cause her Royal Commission to be issued out under the Great Seal of England, directed to his late Excellency Joseph Dudley Esq., then Governor of Her Majesty's Province of the Massachusetts Bay, the late Honble. Nathl. Byfield Esq. and others Her Majesty's Subjects to hold a Court of Enquiry, Examination and determining of the complaint of Sachem Owenecoe against those persons who had deprived him of his lands, which was accordingly held at Stonington in the Colony of Connecticut in the fourth year of Her said Majesty's reign, whereupon full proofs of the justice [of] Oweneco's complaint by living witnesses, and the Colony Records, it was consider'd and determined that Oweneco and



1736. [300 ii.]

the Moheagan Indians should immediately be put into possession of their lands ; and the Governor and Company of Connecticut were order'd by Her Majesty's said Court to put them into possession accordingly and to pay all costs. But your Majesty's Colony of Connecticut have refused to pay obedience to Her late Majesty's Commission and the determination of Her Court, and have not restored either your Petitioner's said late grandfather, who surviv'd your Petitioner's father, or your Petitioner since his grandfather's decease, and his people, to any part of their lands of which they had so unjustly deprived them, and have not only amus'd them with fruitless promises for these thirty years' past, but in the life time of Owenecoe proceeded further to deprive the Moheagans of the small remainder of their lands, and your Petitioner and his tribe are now reduced to less than two miles square out of their large territories for their hunting and planting, and that land so rocky that they are not able to subsist upon it. Wherefore your Petitioner and his tribe, being now reduced to the miserable necessity of leaving their native lands, unless your Majesty will extend your Royall Justice and Protection to them which they are encouraged to hope from their experience of your late pious Predecessor's Goodness, and your Majesty's known virtues, the fame of which has reach'd their ears ; your supplicant has presum'd to appear personally before your Majesty, praying that he and his people may be restored to, and protected in that part of their Ancestors' lands which they had reserved to themselves and their tribe for their hunting and planting, which has been confirmed to them by Acts of the Colony, and adjudged to them by Her late Majesty's Commissioners ; and that after having approved themselves for the space of one hundred years faithfull friends and allies to your Colony of Connecticut, and true to your Majesty and your Royal Predecessors against all your enemies, they may not now be forced to fly to some neighbouring Indian tribe for subsistence, who are friends to the French and enemies to the English in the time of Warr, but obtain a redress of their grievances from your Majesty's Royal Justice, for which may the just God the Avenger of Wrongs, and Protector of Good Princes shower down happiness and blessing on your Royal Person and Crown your reign with true glory, which is the sincere prayer of your Majesty's most obedient and faithfull vassall, Mahomet. *Endorsed, Recd. 12th, Read 13th May, 1736. Copy. 5½ pp. [C.O. 5, 1268. ff. 186, 187-188 v., 189 v., 192-194 v., 195 v.].*

1736.  
May 7.  
Whitehall.

**301.** Council of Trade and Plantations to the King. A memorial was lately presented to us by Mr. Samuel Jenner, Agent for a great number of Swiss Protestants who are desirous to transport themselves and families at their own expence to North Carolina, provided they might obtain the following conditions, *quoted*. *Continue* :—Upon these conditions we are humbly of opinion that your Majesty may be graciously pleased to permit the said Six Thousand Swiss to settle in the Province of North Carolina, which will thereby receive a considerable augmentation of useful inhabitants, by whose means your Majesty's quit rents will hereafter be encreased and a foundation laid for enlarging the trade and navigation of this Kingdom. And if it should be your Majesty's Royal pleasure to comply with these proposals, we would further humbly offer that the Governor of North Carolina may receive your Majesty's orders to recommend it to the Assembly of that Province to defray the charge of surveying the lands to be set out and of issuing the grants which shall be made to the said Switzers or that they may be eased of the expence attending the said surveys and grants in such other manner as to your Majesty in your great wisdom shall seem proper. [*C.O.* 5, 323. *ff.* 116–119].

May 12.

**302.** Richard Coope, Agent for St. Christophers, to the Council of Trade and Plantations. *Abstract*. Has received 213 barrels, 213 locks and 240 screwpins of muskets, which were saved out of the ruins of H.M. Magazine on Brimstone Hill, that was blown up by lightning about four years ago, with orders to make proper application that they may be received into the Tower, and be either repaired there at H.M. expence, or a like number of muskets with bayonets and slings delivered in their stead, with 300 cartouch boxes, sword belts and frogs for bayonets, which are much wanted *etc.* Prays the Board to recommend dispatch of these stores of war. *Endorsed*, Recd. Read 12th May, 1736. 1 p. [*C.O.* 152, 22. *ff.* 59, 64 v.].

May 12.

**303.** Mr. Yeamans, Agent for Antigua, to Council of Trade and Plantations. Refers to memorial of Sept. last, laying before the Board the justice and necessity of obliging the French to evacuate Sta Lucia, St. Vincent and Dominica. *Continues* :—By undoubted intelligence which memorialist has received from abroad, it appears that the French at Sta. Lucia are now encreas'd to tenfold the number of families they were about a year past *etc.* The surprising assiduity of the French to get footing in the said islands is a convincing proof of the danger of them when in their possession to the trade of great Britain, and of how much consequence they esteem them to be to the trade of France. 'Tis much easier to put a stop to evils of this nature in the beginning than after a right is set up by long possession, and the possessors become too powerfull to be remov'd but by force of arms *etc.* Prays the Board's permission to enforce the prayer of his former memorial *etc.* *Signed*, John Yeamans. *Endorsed*, Recd. Read 12th May, 1736. 2 pp. [*C.O.* 152, 22. *ff.* 60, 60 v., 63 v.].



1736.  
May 13.  
Whitehall.

**304.** Council of Trade and Plantations to the King. Enclose following for H.M. approbation. *Annexed,*

304. i. Draught of H.M. Additional Instruction to Governors of the Plantations. Whereas We were pleased by our Order in our Council of the 29th of April last, to declare Our pleasure that in the morning and evening prayers, in the Litany, and in all other parts of the Publick Service as well in the occasional offices as in the Book of Common Prayer where the Royal Family is appointed to be particularly prayed for the following form and order should be observed, "Our Gracious Queen Caroline, their Royal Highnesses Frederick Prince of Wales, the Princess of Wales, the Duke, the Princesses, and all the Royal Family." And to the end, that the same form and order may be observed in all our Plantations in America; it is Our express will and pleasure that you cause the same to be forthwith published in the several parish Churches and other places of divine worship within [*Our said Plantations under*] your Government, and that you take care that obedience is paid thereto accordingly. [*C.O. 324, 12. ff. 220-224.*]

May 13.  
Whitehall.

**305.** Order of Committee of Privy Council. Agreeing to the proposal of the Lords Commissioners for Trade and Plantations, Nov. 26th last, upon the petition of George Morley, and ordering them to prepare a draught of an Additional Instruction to the Commander in Chief of S. Carolina accordingly. *Signed,* W. Sharpe. *Endorsed,* Recd. 3rd., Read 18th June, 1736. 1 p. [*C.O. 5, 365. ff. 77, 78 v.*].

May 13.  
Whitehall.

**306.** Council of Trade and Plantations to the Committee of the Privy Council. Enclose following, pursuant to the order of 18th March, 1735. *Cf.* Aug. 13, 1735. *Annexed,*

306. i. Draft of H.M. Additional Instruction to President Morris. Whereas complaint hath been made unto Us by several of our good subjects Merchts. trading to Our Plantations in America that an Act having been pass'd in our said Province of New Jersey under your Government in 1733, entituled *An Act for the further support of this Government*, in which a duty of forty shill. p. ton. is laid on all copper ore exported out of that Province to any of the neighbouring Colonies and every person or persons, before he or they do lade or take on board the said copper ore are obliged either to pay to the Collector or Collectors of the Customs or their Deputies the said duty or to become bound to the said Collectors with good security in the sum of one thousand pounds mony of Great Britain, on condition to carry the copper ore by him or them to be shipped directly to some port or place in Great Britain,

1736. [306 i.]

and not to any of the neighbouring Colonies or Plantations. It is Our Will and Pleasure that you move the General Assembly of that Province at their first meeting to pass a law which may re-enact the several clauses in this Act except such as relate to the duty of 40s. a ton upon copper ore and to the bond thereby required to be given, which duty shall not be made payable nor the bond lyable to be forfeited but only in case such vessel shall break bulk in such other Colony or Plantation and that the said ore shall be there sold or otherwise disposed of. [C.O. 5, 996. pp. 385-389].

May 14.  
Admiralty  
Office.

**307.** Mr. Corbett to Mr. Popple. Capt. Towry of H.M.S. *Shoreham* being under orders to proceed to Canço in a few days, asks for Heads of Enquiry for him etc. Signed, Thos. Corbett. Endorsed, Recd. 15th, Read 18th May, 1736. 1 p. [C.O. 217, 7. ff. 170, 175 v.].

May 18.  
Virginia.

**308.** Lt. Governor Gooch to Mr. Popple. I lately had the favour of yours of the 18th of December last, signifying the pleasure of my Lords Commissioners for Trade, that I should inform them of the reasons which induced the Assembly to pass the Law in 1723 Chap. 4th. depriving free negros and mulattos of the priviledge of voting at any election of Burgesses to serve in the General Assembly, or at any other Elections. In answer thereto it is to be noted, as I am well informed, that just before the meeting of that Assembly, there had been a conspiracy discovered amongst the negros to cutt off the English, wherein the free negros and mulattos were much suspected to have been concerned (which will for ever be the case) and tho' there could be no legal proof so as to convict them, yet such was the insolence of the free negros at that time, that the next Assembly thought it necessary, not only to make the meetings of slaves very penal, but to fix a perpetual brand upon free negros and mulattos by excluding them from that great priviledge of a Freeman, well knowing they always did, and ever will adhere to and favour the slaves. And 'tis likewise said to have been done with design, which I must think a good one, to make the free negros sensible that a distinction ought to be made between their offspring and the descendants of an Englishman, with whom they never were to be accounted equal. This, I confess may seem to carry an air of severity to such as are unacquainted with the nature of negros, and the pride of a manumitted slave, who looks on himself immediately on his acquiring his freedom to be as good a man as the best of his neighbours, but especially if he is descended of a white father or mother, lett them be of what mean condition soever; and as most of them are the basterds of some of the worst of our imported servants, and convicts, it seems no ways impolitick, as well for discouraging that kind of copulation. as to preserve a decent distinction between them and their betters, to leave this mark on them until time and education has changed the indication of their



1736.

[308]

spurious extraction, and made some alteration in their morals. After all the number of free negroes and mulattos entitled to the privilege of voting at elections is so inconsiderable, that tis scarce worth while to take any notice of them in this particular, since by other Acts of Assembly now subsisting they are disabled from being either jurymen or witnesses in any case whatsoever, and so are as much excluded from being good and lawful men, as villains were of old by the Laws of England. It will, no doubt, some yeers hence, be fitt for an House of Burgesses to consider to what degree of descent this incapacity shall extend, but at present there is a necessity of continuing of it on the foot it is. This you will be pleased to communicate to their Lordships with the true account of the motives for the passing the Law in 1723 and the present disposition of the Country to continue it. *Signed*, William Gooch. *Endorsed*, Recd. 10th Aug., Read 7th Oct., 1736. 2½ pp. [C.O. 5, 1324. ff. 19, 19 v., 22, 22 v.].

May 19.  
Whitehall.

**309.** Mr. Popple to the Board of Works. Reminds them of his letter of Feb. 24, and requests them to give the directions desired, the reasons mentioned in that letter having now become more pressing. [C.O. 389, 37. p. 371.].

May 21.  
St. James's.

**310.** Order of King in Council. Confirming Act of Pennsylvania for the more effectual vesting certain lands in George McCall, the Committee of Council for Plantation affairs having reported that when they were proceeding to hear the petitioner, William Penn, against it, his Counsel declared that he now waved all opposition to it etc. *Signed*, W. Sharpe. *Endorsed*, Recd. 8th., Read 22nd June, 1736. 1½ pp. [C.O. 5, 1268. ff. 205, 205 v., 206 v.].

May 21.  
Boston.

**311.** Governor Belcher to the Council of Trade and Plantations. *Acknowledges* letter of 18th Dec., and is glad the Board is pleased with his interview at Deerfield with the French Mohawks. *Concludes* :—As to the present made them, it was wholly at the charge of this Province etc., and not of the Crown (as it is at New York, Carolina etc.) nor have the Lords of Trade and Plantations ever till now desir'd to be inform'd what the said presents were, or the value, altho' it has been the practice of all Govrs. from the first settlement of this Province, to have interviews with the Indians from time to time etc., but since your Lordships now seem to desire it, I inclose a copy of the particulars of the present, and its value (being about £120 sterling) etc. *Signed*, J. Belcher. *Endorsed*, Recd. 13th July, Read 16th Sept., 1736. 2 pp. *Enclosed*,

311. i. Invoice of goods laden on board the sloop *Speedwell* designed for a present to the Indians in the interview at Deerfield. Value, £600. Boston, July 28, 1735. *Signed*, J. Wheelwright. 1½ pp. [C.O. 5, 879. ff. 16-17 v., 18 v.].

1736.

May 21.  
St. James's.

**312.** Order of King in Council. Approving report of Committee that the petition of Wavell Smith and Savile Cust is irregular, containing different matters of complaint in different islands, which come under distinct considerations and require different methods of proceeding upon them. The petition is dismissed, without prejudice to the petitioners preferring other and distinct petitions according to the different nature of their complaints *etc.* *Signed*, W. Sharpe. *Endorsed*, Reed. 8th June, Read 25th Nov., 1736.  $1\frac{1}{2}$  pp. [C.O. 152, 22. ff. 233, 242 v.].

May 21.  
Boston.

**313.** Governor Belcher to Mr. Popple. The last month came to hand your favour of 21st Decr., in answer whereto you will please to inform my Lords of Trade and Plantations, that the act for encouraging the raising of hemp and flax within this Province has hitherto had very little effect, and it has chiefly fail'd for want of the seed, which I have so long since earnestly pray'd might be sent hither as a bounty from H.M. Seed is not to be had here at any price, and if it was, the people, who are to use it, are so poor, that they are not able to purchase it. It was with great difficulty that I got the Assembly to give a bounty on hemp, of about fourteen pounds sterling a tun, (and which will expire in eighteen months more), and if the seed their Lordships have recommended to be sent from the King is not here some time before the next winter, that matter will fail (in my opinion) to the great damage of the Crown, as well as to that of the people, tho' (with great deference to their Lordships) the last will be but trifling in comparison to the damage it may be to the Royal Navy, for certainly it must be a great thing to the Mother Kingdom to find their Plantations capable of furnishing the Royal Navy, (the strength and glory of the British Isle) with all things necessary to equip a first rate to the sea and all to be paid for in their own woollen manufactures (without exhausting the nation of its silver and gold.) I therefore hope their Lordships will recommend the sending the hemp seed to effect, yet should it not come, I humbly hope to be justify'd in doing my duty to H.M., and to his people on this head. I believe the principal view of the Assembly here in giving the bounty on hemp and flax was for encouraging the manufacture of ripping and canvas, and not so much for fine linnen, tho' the Irish people in a town, call'd Londonderry, granted some years ago by the Province of New Hampshire, make shirting linnen worth 5 shillings sterling a yard, and this may serve in answer to what their Lordships ask about Irish people, skill'd in the linnen manufacture, coming to instruct the New England people therein. As to the Province of the Massachusetts Bay, there are but few Irish in it, and indeed the people of this country seem to have an aversion to them, so that they find but little encouragement. *Signed*, J. Belcher. *Endorsed*, Reed. 13th July, Read 16th Sept., 1736. 3 pp. [C.O. 5, 879. ff. 20-21 v.].



1736.

May 24.

Boston.

**314.** Governor Belcher to the Council of Trade and Plantations. This accompanys the remainder of the Journal of the late House of Representatives of this Province from the last I sent your Lordships to the time of their dissolution in April, and I am sorry they would not come into the bill past by H.M. Council for some better preservation of the King's woods, the copy of which bill I have now the honour to cover to your Lordships, and you will find it was only to set H.M. woods upon the same footing, (upon a tryal of trespass) as that of all his subjects of this Province. I have, my Lords, been urging the Assemblies here from time to time to pass some law in favour of the Royal woods, and am after all now oblig'd to say, in fidelity to H.M., that I have no expectation of anything of this nature to be done here. I heartily wish the British Parliament would give a bounty on Plantation pot-ash, and an additional one to that on hemp. There has been, my Lords, within two years past great discoveries of rock iron ore in a town of this Province call'd Attleborough, and some furnaces lately set up; the ore I am told is very rich and the iron made from it is equal to the best Spanish. I think a number of guns of 6 to 7 lbs. weight apiece have been lately cast at some of the ironworks in this Province, and the metal and workmanship perhaps equal to any that passes the proof at Woolwich. So that this Province may in time produce timber, masts, iron, canvas, and rigging sufficient for the whole Royal Navy, and must consequently be more necessary to the Crown of Great Britain, than all the Sugar Islands, and the whole North America besides, and so deserve the greater care and encouragement of the Crown. Thus your Lordships have the fullest and clearest accot. I can give you of the circumstances of this Province at present, *etc.* Signed, J. Belcher. Endorsed, Recd. 13th July, Read 16th Sept., 1736. 3 pp. Enclosed.

314. i. Bill of the Massachusetts Bay for the more effectual detecting and convicting such as cut, fell or destroy such trees as are preserved for the use of the Royal Navy. Rejected after second reading in the Assembly, March 23rd, 1736. Copy. 2 pp. [C.O. 5, 879. ff. 222-3 v., 24 v.-25 v.].

May 24.

Boston.

**315.** Governor Belcher to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis*. Signed, J. Belcher. 4 pp. Enclosed.

315. i. Copy of Act enclosed in preceding. True Copy, Signed, Simon Frost, Dept. Secry. 2½ pp. [C.O. 5, 899. ff. 215-218].

May 24.

Boston.

**316.** Governor Belcher to Mr. Popple. Acknowledges letter of Feb. 27 and is obliged to the Board for the opinion of the Attorney General as to the private Bank lately set up. *Continues*: With great deference to their Lordships, I would observe upon this head, that without the interposition of the Legislature of Great Britain, to prevent all emissions of what is call'd paper

1736. [316]

money in the Plantations, unless redeemable in a very short period by silver or gold, the Mother Kingdom must go on to suffer vast loss by their trade to these parts, for it has been the constant course of things, that upon emission of such paper currency all the product of the country has immediately risen to the great loss of the people of Great Britain, who must take it in payment for their goods, and the damages the people suffer among themselves in all their trade and estates is inconceivable, that an Act of Parliament of the nature I have mention'd would be but taking a just regard to the trade of Great Britain, and a very kind care of the King's people in the Plantations. This you will lay before their Lordships from, *Signed*, J. Belcher. *Endorsed*, Recd. 13th July, Read 16th Sept., 1736. 2 pp. [C.O. 5, 879. ff. 26, 26 v., 35 v.].

May 24.  
Boston.

**317.** Mr. Willard to Mr. Popple. *Encloses* Minutes of Council of the Massachusetts Bay to end of Feb., Journal of Assembly Sept. and Nov., and Acts passed in Nov. 1735, etc. *Signed*, Josiah Willard. *Endorsed*, Recd. 30th July, Read 20th Oct., 1736.  $\frac{1}{2}$  p. [C.O. 5, 879. ff. 73, 76 v.].

May 24.

**318.** Depositions of Capt. John Mason, of New London, Connecticut, and Samuel Mason his son. *Abstract. Confirms* statements in petition of Mahomet, the Mohegan Chief [*v.* May 7. *supra*]. At the Court held at Stonington in Aug. 1705, the Commissioners appointed to enquire into the differences between Connecticut and the Mohegans ordered Capt. John Mason to be Trustee and Guardian of Oweneco and his people. Deponent hath many times since made application to the General Court in Connecticut, and to several particular members, whom he believed to be the leading men therein, that the judgment of the Commissioners made in 1705 might be complied with, and the Mohegans put into possession of their lands, but without the least success: "for that, altho some very few members of the General Court of Connecticut have, both publicly and privately acknowledged that the Indians have been grievously wronged and injured, yet the farr greater part of such members have constantly, on such occasions, denyed the legality of the Queen's said Commission and Court, and said that the Colony of Connecticut had a Charter of their own, and by that Charter had Courts of their own, and that if the Indians wanted releif, they must apply to such (last mentioned) Courts for it" etc. The said judgment has been sett at nought and despised by the generall body of the people in Connecticutt, whilst the Indians have had more and other parts of their planting lands in Connecticut taken away from them, "insomuch that the Mohegan Indians, whom this deponent during all his knowledge in life has known to be usefull and faithfull friends to the English, both in peace and warr, and to whom the very settlement and preservation of the Colony of Connecticut has been owing, according to the accounts which this deponent always received from his ancestors and many others of the English people in Conecticut, are now



1736.

[318]

reduced to the narrow compass of two miles square of their reserved planting lands in Conecticut, or thereabouts, but not amounting to three miles square; at which the said Indians have exprest their complaints many times to this deponent, charging the English people in Conecticut with the greatest injustice and ingratitude towards them " etc. The small quantity of land thus left them is not near sufficient for their tribes, and many Mohegan Indians have already quitted that part, and retired towards other Indians who have not been friendly to the English. Although deponent has used his influence with them to return, they have refused it, saying what should they return for, when all their land is taken from them. Many more have threatened to retire. The consequence whereof may be very injurious to H.M. subjects in America; to whom deponent believes their friendship to be of very great service, etc. As the last means to keep them there, deponent has now brought over the Chief Sachem, grandson and only male descendant of Oweneco etc. Unless some relief be afforded, deponent believes the greater part of the Mohegans will instantly go off into other tribes of Indians, the dangerous consequence whereof is rather to be feared than particularly described. Samuel Mason confirms above as from his first remembrance. John Mason adds that in 1706 there was some endeavor or pretended endeavor by the General Court of Conecticut to make some Treaty with the Mohegan Indians, but the same was prevented from being concluded by a vote of the Governor and Council in 1707, postponing that affair. Deponents do not believe the Mohegans ever had the value of one penny of compensation from any person in respect to their right to the lands adjudged by the Queen's Commissioners to be delivered up to them, etc. *Signed*, John Mason, Saml. Mason. *Endorsed*, Recd. Read 25th May, 1736.

May 24.

**319.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 8 acts of St. Christopher, enumerated. *Signed*, Fran. Fane. *Endorsed*, Recd. 31st May, Read 3rd Nov., 1736. 2½ pp. [C.O. 152, 22. ff. 134-135 v.].

May 24.  
Admiralty  
Office.

**320.** Thomas Corbett to Mr. Popple. *Abstract*. Has given heads of Enquiry relating to Canso, May 21, to Capt. Towry, H.M.S. *Shoreham*. The ships appointed for the Newfoundland Convoy are the same as last year, and under the same Instructions:—*Falkland*, *Torrington*, *Grampus*, sloop. *Signed*, Tho. Corbett. *Endorsed*, Recd. 24th, Read 28th May, 1736. *Addressed* 1 p. [C.O. 194, 10. ff. 23, 24 v.].

May 25.  
Boston.

**321.** Governor Belcher to the Council of Trade and Plantations. This is to acquaint your Lordships that I am lately return'd from a journey I have made to my Government of New Hampshire, where I met a General Assembly, and notwithstanding the insolence of the House of Representatives, of which your Lordships will judge by the inclosed print, yet I

1736. [321]

waited on 'em for about three weeks, to see if they would come into any reasonable measures for supplying the Treasury, but when I found they were so obstinate as that H.M. Council could not possibly fall in with their arbitrary proposals, I say this with their impudence to the King, oblig'd me again to dissolve the Assembly; and my Lords, Col. Dunbar may say to your Lordships what he pleases in excuse and that he does not influence to these things, yet it is very plain to all, that are near enough to see it, that they are all carry'd out by his closest friends. Perhaps it would be hard, my Lords, to make legal proof, that Mr. St. John (late Lord Bolingbroke) and Mr. P-ltn-y help write the invectives in the Craftsman against the Royal Family, and the Ministry, yet I doubt not but your Lordships fully believe it; and I am, my Lords, as well satisfy'd of Mr. Dunbar's being at the bottom of these things, as I can be of anything, I can't make oath to. I really think it a mean way of spending life, to be loving to do mischief, and not to be capable or inclin'd to do any good. I was told, my Lords, at New Hampshire, that he boasted of having copies of my letters to your Lordships, while they contain nothing but facts and truth, he shall be welcome (on my part) to print them. In July last he serv'd me with copy of a complaint he had put in against me to H.M. in Council to which my answer had lain in the Council Office, when the last ships came away about seven months, and when I was at New Hampshire I told him I thought it a hardship, that his agent would not bring that matter forward to a hearing; and I believe your Lordships will think it so on a gentm. to have a long lurry of complaint exhibited against him, and the party being sensible of the groundlessness of some parts, and of the falsity of others, to draw in his horns and to be afraid to come to the test; I say, my Lords, this is a hardship upon me, and I have therefore directed my agents to press the matter to a hearing, and to pray for H.M. Royal Order thereupon, that this uneasy man may be quiet, if he can. I am, my Lords, under no concern about his bickerings nor anybody's else, provided I may always be serv'd with copies, to make answer to anything, that may be call'd complaint. I was in hopes to have sent with this to your Lordships the proceedings of the last Assembly of New Hampshire, but that on Wednesday the 19th currant the Secrt'y. of the Province had the misfortune to lose his house by fire, and all the publick records of the Province were burnt in it, which your Lordships will see by the inclosed print. As New Hampshire is indebted to many poor people (and to some for five years past) I intend to make a visit thither again in August next, to see if I can persuade them to do justice to the King's subjects. Agreeable to the Charter of this Province, I meet a new Assembly here tomorrow and I shall from time to time keep your Lordships acquainted with their proceeding. *Signed. J. Belcher. Endorsed, Recd. 13th July, Read 16th Sept., 1736. 6 pp. Enclosed,*

321. i, ii. *The Boston Gazette*, May 10-17th, 1736, and 17th-24th. Each 4 printed pp. [C.O. 5, 879. ff. 27-33 v., 34 v.].



1736.  
May 25.  
Boston.

**322.** Governor Belcher to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis*. Signed, J. Belcher. 7 pp. *Enclosed*,

322. i. Copies of *Boston Gazette* as in preceding enclosure. [C.O. 5, 899. ff. 219-222, 223-226 v.].

May 26.  
Barbados.

**323.** President Dottin to the Duke of Newcastle. I readily embrace this first opportunity of owning the receipt of your Grace's letter of the 18th of March last, which you did me the honour of writing, and was deliver'd me by Capt. Crawford, tho' I am surpriz'd your Grace should receive the informations you are pleas'd to mention in relation to St. Lucia from the Lords Commissioners of the Admiralty and Lords of Trade, since I did myself the honour of inclosing your Grace copys of all these letters, with several other papers on H.M. service by one Capt. Nesbit who sail'd from hence in December last, and which I had not the least doubt wou'd have come safely to your Grace's hands. His most excellent Majesty my royal Master's approbation of my conduct in the administration of the Government of this island gives me a most sensible pleasure, and I shall ever study to execute the trust he has charged me with according to the best of my abilitys, and if I should be so unlucky to commit any mistakes, your Grace may attribute it to a want of judgment and not an error in will, and in particular I shall not fail to give you the best accounts I can from time to time how the orders for evacuating the island of St. Lucia are complied with. I was in hopes to have receiv'd some further directions from your Grace in answer to my letters with respect to the regulation of the offices' fees, but since I find the enquiry directed is yet expected, I shall get it compleated with the utmost expedition and immediately afterwards transmit it to your Grace for H.M. further order thereon. The letters which accompany this were sent to me by a vessell who met one at sea bound to this island, and as they may be of a publick nature, and I am inform'd are of great consequence I thought it most convenient to transmit them to your Grace to do with them what you think proper, *etc.* Signed, James Dottin. 1½ pp. [C.O. 28, 45. ff. 363, 363 v.].

May 26.  
Whitehall.

**324.** Council of Trade and Plantations to Governor Lee. H.M. having been pleased to continue his commission to you as Governor of Newfoundland, we desire you will upon your arrival there give all the encouragement in your power to the fishery of that Island according to the several Instructions given to you the last year by H.M.: and that at your return from thence you will send to us your answers to the several queries contained in your said Instructions, to which answers you will annex a scheme of the fishery in the same manner as you did last year. And whereas complaint has been made to us, that the French contrary to the 13 and 14 Articles of the Treaty of Utrecht do not only fish but have made settlements at Portbask near Cape Roy in the westward part of Newfoundland,

1736. [324]

that they are supplied with provisions from France: and that they carry on the furr trade there during the winter season, we desire you will according to the 62nd Article of your Instructions make particular enquiry into that affair, and as soon as possible send us an account that we may receive H.M. directions upon a subject of so much consequence. [*C.O.* 195, 7. pp. 403, 404].

May 28.

**325.** Petition of Wavel Smith and Savile Cust to the Council of Trade and Plantations. An Act passed at Nevis 1732 *for establishing a Court of King's Bench and Common Pleas and for settling the Chief Judge's and Marshal's fees etc.*, whereby memorialist's fees are reduced and put on a meaner footing than ever was attempted in any other of the Leeward Islands, and the Secretary and his deputy are obliged to give £1000 sterl. security *etc.* Apprehends that this act was framed to prevent any one but an inhabitant of Nevis from executing the said office, by the difficulties a stranger must be put to in finding sufficient sureties. This act contains several dangerous clauses; one to attack the goods of persons absent from the island, and another to oblige the Marshal to take in payment (for any debt whatsoever) the goods and produce of the island *etc.*, whereby no sterling debt can be recovered in sterling *etc.* Prays for relief. *Endorsed*, Recd. 28th May, 1736, Read 13th Jan., 1738.  $\frac{3}{4}$  p. [*C.O.* 152, 22. ff. 264, 269 v.].

May 28.

**326.** Petition of Wavell Smith and Savile Cust, to the Council of Trade and Plantations. *Abstract.* Memorialists were appointed Secretary and Clerk of the Crown to all the Leeward I. by letters patent 18th Feb., 1722, to enjoy the same with all fees, rights, perquisites and advantages in as full and ample manner as any person hath formerly *etc.* By an Act of St. Christophers, June, 1724, *for establishing a Court of King's Bench and Common Pleas*, a new officer by name of Judge's Clerk was appointed to receive divers fees which the Secretary has always enjoyed, whilst the act appointed divers other fees of an inconsiderable nature for memorialists to take. The Board thereafter did, 18th July, 1727, advise the repeal of so much of the law as altered the Secretary's fees. But notwithstanding the Board's letter was communicated to the Legislature in 1727, memorialists could never procure it to be taken into consideration till 1729, when the Council passed a bill to that effect, but it was rejected by the Assembly, March, 1730. Memorialists have thus been debarred from the known rights and perquisites of their office since 1724. An act dated 13th Dec., 1727 appointing twenty-four Assemblymen to represent St. Christophers is in like manner still in force notwithstanding the Board's letter of 16th May, 1729. Memorialist Wavell Smith further sheweth that by an act appointing an impost upon liquors past at St. Christophers in 1719, a fund was granted for the payment of the sallarys of the publick officers of the Crown, which act was repealed in April, 1722, upon account of the inconveniency of



1736. [326]

the said tax being paid in sugar, but at the same time was passed de novo with no other alteration than directing the said tax to be paid in money. From 1722 to 7th June, 1732 all H.M. Officers have been constantly paid their salaries and incident charges out of the said cash fund by orders drawn by H.M. representative by and with the advice and consent of Council, pursuant to the Royal Instructions. The Assembly of St. Christophers from Oct. 1731 to 7th June, 1732, in order to bring all the Officers of the Crown dependant upon them, did endeavour to appropriate the said fund from its original use, and to accomplish this did make use of divers arts and methods destructive of the good order of H.M. Government, which several attempts were for a while frustrated by a majority of the Council (Wavel Smith having then the honour to be one of them). Yet at last by a most undue practice the Council and Assembly were called to meet on the 7th of June, 1732, when they were actually adjourned to the 10th, and on the 7th they by surprize accomplished their design by precipitating a bill *for raising a tax on all negroes and other slaves*, therein appropriating the money that had or should arise and grow due after 25th March, 1732, on the liquor fund, foreign to its original use, and by this means memorialists and the rest of H.M. Officers are become in a most unhappy and dependant scituation on the Assembly (the darling project of the West India Assemblys) for debts due or shall grow due to them for publick business, they now having at St. Christophers no fund appropriated for the payment of the same. Smith, who then had an order from the Governor by advice and consent of the Council payable out of the said fund amounting to £319 5s. for his publick account, was obliged afterwards to receive the said order in sugar at one third loss by this unjust and arbitrary application of the fund from its original use. To reach the said order and prevent the payment of the same in cash, the said act was contrived with a retrospective operation. In order to prevent a reapplication of the said fund to the payment of the publick officers in cash, on 12th Aug., 1732, another bill precipitately passed the Council and Assembly of St. Christophers *for continuing the duties upon wine, beer, cider, etc.*, which on 21st. Aug. was assented to by the President of Nevis, who then commanded the Leeward Islands, appropriating the said dutys for eleven years for the use of the fortifications and for building other forts and batterys as shall be directed by the Commander in Chief and Council and Assembly. The Assembly passed another bill, the 15th Aug., *for granting to H.M. a duty of eight shillings per poll on all negroes and slaves and for ascertaining and settling the salarys of the several officers etc.*, which passed the Council in a precipitate manner, and to which they procured the President of Nevis's assent, wherein they enacted £60 per annum to be paid the said Secretary in lieu of any demands he might make for public business done by him, whereby your Memorialists against H.M. express Instructions are in a most unjustifiable manner deiseized of their usual and accustomed fees, and were and are still damaged above £100 per annum,

1736. [326]

according to the aforesaid allowances constantly paid to their predecessors and themselves in cash till the unjustifiable diversion of the said fund, especially as the said £60 per annum is enacted to be paid in currency, an illegal denomination of money which has of late years obtained protection in the Leeward Islands. The said law was for a temporary service, tho' the clause therein relating to Officers is perpetual. The Assembly passed a bill 4th March, 1734, *for reducing the fee of three shillings per sheet* taken by the Secretary as Clerk in Chancery to eighteen pence per sheet containing 120 words, notwithstanding the fee of three shillings was the accustomed fee allowed Memorialists' predecessors and was in 1715 enacted to be taken by the Secretary, which act of 1715 was passed by Governor Mathews, then Lt. General of the Leeward I., who now has thought fit to repeal the same with a suspending clause, which Memorialists humbly apprehend ought not to have pass'd under colour of any of H.M. Instructions. An illegal currency of money was introduced at St. Christophers by an order of Governor Mathews in Council when he commanded the Leeward Islands as Lt. General, and is still protected by him, directing French crowns to pass at seven shillings, though the said coin is one of the species enumerated in a general law of the Leeward Islands confirmed by the Crown in 1694, and in the Act of the 6th Queen Anne, to pass only at six shillings, which order Memorialists humbly apprehend to be a high invasion of their properties, they having been by the said order actually damaged ever since they have executed their office at St. Christophers in one seventh part of such fees as have been usually paid in silver, and in one fifth part of such fees as have been paid in gold. Memorialists have been in like manner oppressed and injured in their just rights and fees in Nevis, touching which they have also presented their memorials to your Lordships. *Pray the Board to take said acts into consideration and to grant them relief. Signed, Wavell Smith, Savile Cust. Endorsed, Recd. 28th May, Read 1st June, 1736. 2 $\frac{3}{4}$  large pp. [C.O. 152, 22. ff. 61-62 v.].*

May 29.  
New York.

**327.** President Clarke to the Duke of Newcastle. In my letter of the 3rd of May, a duplicate whereof I do myself the honor to inclose, I informed your Grace of the steps that were taken to keep the Assembly from sitting; I found that they were too much intimidated for me to expect they would sit, and therefore I adjourned them with the advice of the Council to the first Tuesday in August, hoping in the mean while to receive from your Grace the signification of H.M. pleasure on Van Dam's suspension and a dismissal of Alexander from the Council, being confident that when these things are known, and that Morris will not be restored, the misguided people will return to a sense of their duty and I shall put an end to the faction whose spirits are already much sunk upon their disappointment on the arrival of our London ships, for they confidently affirmed before their arrival that Morris and Van Dam were restored, but finding those reports had no foundation in truth, they begin to think



1736. [327]

that the heads of the faction have all along amused them for their own private ends. One of their main views and they have the two last sessions made some attempts for it, is by all means possible to get a dissolution of this Assembly before the present Revenue expires, as it will do next year, being in hopes to get a majority in the next, and resolved as they openly and avowedly declare not to give the Revenue longer then from year to year. If a new Governor comes before the present Revenue expires, he will be under this dilemma, either to dissolve the present Assembly, or, not doing it, perpetuate the spirit of faction, but as they know it is not in my power to dissolve them they have no hopes of a new election, and the further settlement of the Revenue for a competent number of years may be obtained from this Assembly, and the disaffected may afterwards be brought to change their present thoughts for others more temperate and dutifull; I take it to be my duty and yet I should not dare to mention this but that I presume upon your Grace's goodness to hope for pardon; I am carryed by the same hopes likewise humbly to acquaint your Grace that upon a new election, if they get a majority, they do not intend to settle, even annually, the Revenue without first obtaining some concessions that no former times have insisted on, some of which are these; they will declare the present Courts of Equity subsisting on H.M. prerogative to be nul, and erect others by Act of Assembly, they will pass an Act declaring that Judges shall hold their commissions dureing good behaviour, they will have triennial Assemblys by a law, they will make all officers of the Crown their dependants, not only by their annual salary but by retrenching their fees whenever they displease them, and who then can serve H.M. faithfully and not starve? This is their present way of thinking, but if they are for some time kept out of the way of doing these things by the continuance of the present Assembly they will by good management be reduced to reason, etc. Signed, Geo. Clarke. 3 pp. [C.O. 5, 1093. ff. 404-405].

May 21.  
Montserrat.

**328.** Governor Mathew to Mr. Popple. Encloses Minutes of Council of Antigua, 5th July—20th Dec., 1735; an act of Antigua *for ascertaining the value of all gold and silver coins passing in this island, and introducing English copper*; and act of Nevis *for raising a poll tax on negroes etc.* Signed, William Mathew. Endorsed, Recd. 21st July, Read 1st Oct., 1736. 1 p. [C.O. 152, 22. ff. 120, 125 v.].

May 31.  
Montserrat.

**329.** Governor Mathew to the Council of Trade and Plantations. I send herewith to your Lordships' Secretary among other publick papers an Act of the Island of Antigua entitled an *Act for ascertaining the value of all gold and silver coins passing in the Island and introducing English Copper Coin.* Besides what is mentioned in the Preamble (and for which reason it has the restraining clause not to take effect till H.M. pleasure be known) I pray leave to lay before your Lordships the inducements that brought me to pass it. We are distressed in these Islands to a most intollerable degree for want of a small specie.

1736. [329]

We have none current among us but French sols marquez, and these mostly false coin, and they go for three half pence, this is the lowest money we have, and less cannot be paid to a negro for the least valuable provision, and which small coin is continually wanted to purchase the little produce of their labour, at their own time rais'd on the little plots of land allow'd them in each plantation. The silver coin among us is Spanish ryalls and half ryalls, but those are so clipp'd and mangled, that they bear hardly any proportion to one gold, and here we are distress'd by the hucksters and little town chandlers and Jews. A heavy ryall never returns from them with its first weight, and they make such advantage of the poor negros, that what ryall they pay me at nine pence, in change for gold (and on which they extort for change three shillings on each pistole) they will not take from my negro again for more than six pence ; on pretence of its being light. This Act in this case brings all silver to an equal standard, at its weight with gold, and hurts but these Jews only. A pistole at four penny weight is currant at twenty eight shillings, if it weighs six grains more the huckster allows no more in change, and these are our only money changers, and the pistole returns from him infalibly at its exact four penny weight. Thus we at present maintain clipping. By this Act the pistole will have its due value at its weight, and every one will find his advantage in being honest. This law as it raises money to seventy five p. cent, both silver and gold, will prevent our coin being continually drain'd from us to the French Islands, by way of Sta. Eustatia. For thither the Northward trader, selling to us first what of their cargo they will vouchsafe to spare us, carry all our ready money, to buy French melass and rum. These Rhode Island men hardly ever will take any of our rum, but insist on our cash, to carry on with it this illicit most ruinous trade to the English planter. The London merchant is in no degree that I can apprehend affected with it. Their trade hither is hardly more than nothing, and for the Liverpool, Bristol, or Irish trader, it must be quite indifferent. If they sell for ten pence half penny, they have ten pence half penny to buy sugar, or bills of exchange with, at proportionable rates, and a proportionable exchange. They never carry money back with them, but allways West India produce, or bills of exchange. But nothing can happen here but some how or other Mr. Secretary Smith is hurt in his office, and then he has a lucky hit for being in motion. I cannot see how this Act will affect him, what he receives he will pay away at the same price, what he banks at home is by purchasing country produce, or bills of exchange, so what I mention'd in the foregoing article answers for him too. He is restrained by a dockett, but in some branches of his office, and as to those articles whatever denomination money was under, when given to him by that dockett, the same dockett continues it so to him still. As to Mr. Smith, I have to add, that nothing is done as yet to his new dockett at Antigua. The old one made, as directed by his late Majesty King William, I have by an order restrain'd him to, but the new dockett ly's



1736.

[329]

undetermind. I have insisted on adding an article to pay for providing Minutes of Council &c. as requir'd from him by H.M. Instructions, the Council have not agreed to it, and as I have no intention to recede from what I ask in his favour, I cannot apprehend any new dockett will be made. By the death of William Frye Esqr. at Montserrat, and Richard Abbot Esqr. at Nevis, there is a vacancy in each Council of those Islands. But Mr. Dunbarr by his General Mandamus becoming a member of the Council in ordinary in each Island on these vacancys, they are provided for. But I shall be forced to appoint a Councillor in each, or they will want a sufficient number. Not being yet honourd with H.M. determination as to Legislatures in Anguilla, Spanish Town and Tortola, I can give no directions for tryall of a man that killd, about three weeks ago, another in Tortola. I formerly mentiond to your Lordships the damages these Colonys woud sustain, by the Danes settling Sta. Cruz. We begin most shrewdly to feel some of the effects of that settlement. The Danes cannot settle it themselves, and their Governour Moth is continually pestering these Islands with his offers and encouragments. We had very lately no fewer than seventeen out of one of the Militia Companys in Antigua, commanded by Lieutenant Colonel Gilbert, that ran off thither in one vessel, and three days ago interrupted another vessel with six familys. But I cannot prevent their going, and they die as fast as they get thither. Still these Islands are dayly weakning. Your Lordships possibly hear much more of this from Barbados. The Lieutenant Governour of the Virgin Islands, and the deputy Governour of Tortola write me from Spanish Town and Tortola the 18th past that a master of a vessel trading from Sta. Eustatia to the south side of Puerto Rico arrivd there, assures them, from intelligence he had from another Dutch trader, and from the Spaniard he traded with, that the Governour of Puerto Rico was actually fitting out two ships, a snow and a sloop, and expected reinforcements from Hispaniola, to the number in all of two thousand men, to drive the Danes out of Sta. Cruz. So farr is tollerable, but that they intend to ravage and destroy Spanish Town and Tortola, and might be ready in about five weeks, and then our ships of Warr are laid up for the hurricane season, as they well know. I have sent Captain Brand commanding H.M. Ships of Warr copy of this intelligence. For my own part, I am ordering some ammunition and arms from St. Christophers to these two Islands, and going to St. Christophers to be nearer for intelligence. If this danger comes confirm'd I woud go thither with the King's Regiment and such volunteers as I coud raise. But, my Lords, Tortola and Spanish Town cannot bear the expence of such a transportation. The Islands out of danger probably will not. I must then. I beg your Lordships' Instructions in such cases for the future. If I have but a small guard from the Regiment to go with me from island to island, it is at my own expence, *etc.* *Signed,* William Mathew. *Endorsed,* Recd. 21st July, 1736. 6 pp. [C.O. 152, 22. ff. 121-123 v., 124 v.].

1736.

June 1.  
Montserrat.

**330.** Governor Mathew to Mr. Popple. *Encloses* duplicates of public papers sent by Capt. Keller, and an Act of Nevis for the qualifying persons to sit in the Assembly, "a most necessary law." *Continues* :—There was an intent to chuse persons of the lowest degree, to outvote the continuing the fortifications of that island, and every publick service, which this law, 'tis hoped, will defeat *etc.* *Encloses* acts of Montserrat for building a magazine, and putting in order the forts and batterys, and mounting the cannon thereon ; and for ascertaining the value of all gold and silver coins passing in this Island, and introducing English copper coin. "This last being the same with the Antigua act, I need not repeat what I say to their Lordships on that act." *Signed*, William Mathew. *Endorsed*, Recd. — Oct. 1736, Read 4th Aug., 1737. *Duplicate*, Original not recd. 1 p. [C.O. 152, 23. ff. 2, 2 v.].

[June 2].

**331.** Capt. Coram's List of the Lords and others who have consented to be Trustees for settling the Province of Nova Scotia with good Protestant Inhabitants, either H.M. subjects or foreign Protestants willing to become H.M. subjects :—The Duke of Montague, the Lord Viscount Torrington, the Lord de La War, the Earl of Granard, Sir Charles Wager, the Honble. Horace Walpole. The following are some of those I propose to invite :—the Earl of Derby, Sir Wm. Young, Edward Southwell Esq. and others. I did propose to myself to engage the Citys of London and Bristoll and other trading towns in England, but have only engag'd Bristoll and Liverpoole, but have not attempted to engage the City of London. *Signed*, Tho. Coram. *Endorsed*, Recd., Read 2nd June, 1736. *Holograph*. 1 p. [C.O. 217, 7. ff. 171, 174 v.].

June 10.  
Whitehall.

**332.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* following to be laid before the Queen.

332. i. *Same* to the Queen, Guardian of the Kingdom *etc.* In obedience to H.M. commands, 7th May, have considered the Representation of Mahomet, Chief Sachem of the Mohegan Indians, and been attended by him and his Agent and the Agent for Connecticut *etc.*, and represent ;—That in the months of Dec. 1703 and Janry. following, two memorials were presented to the Commissioners who then constituted this Board, by Mr. Nicholas Hallam of the Colony of Connecticut, on the part of Owaneko, then Chief Sachem, setting forth their ancient alliances and compacts with the English, their services done to the people of Connecticut, their sufferings from the same people, by the unjust seizure of their reserved lands, and distribution of them by act of the General Court of Connecticut, and their fruitless endeavours to obtain redress of those grievances by application to the Legislature of that Colony. These facts, which as they stand related in the said Memorials, agree in substance with those now



1736. [332 i.]

under our consideration, were supported by an affidavit of the sd. Mr. Hallam, upon which the case of the Mohegan Indians was by this Board referr'd to the consideration of Her late Majesty's Attorney General, Sir Edward Northey *etc.* *Quote his* opinion and report of Commission of Enquiry appointed thereupon (*v.* Cal. St. Pap. Col. 1703, Dec. 3 and 1704, Feb. 29, March 9, (*Nos.* 146, 171, 171 i., 483), and 1705, Aug. 25. *Nos.* 1312, 1312 i.). The Commission having found that the Mohegans ought to be restored to their lands and that Oweneco Unchas should recover his costs, (Aug. 25, 1705), and Governor Dudley having expressed his doubts that the Government of Connecticut would not comply therewith, the Board proposed that H.M. should signify her approbation of the said sentence by her Order in Council. But Sir Henry Ashhurst, Agent for Connecticut, having appealed against the said sentence, by an Order in Council 10th June, 1706, the sentence of costs was reversed, and a Commission of Review was granted for hearing and determining the pretensions of the Indians; and in regard to their poverty, it was ordered that the Commission and all other necessary dispatches should be pass'd and expedited at H.M. charge. *Continues:* Her Majesty was pleased to name the Lord Cornbury then Governor of New York to be one of the Commissioners, and to refer to the Commissioners for Trade, to name such other persons as they should judge proper to be inserted in the said Commission with him, who thereupon did propose the Members of H.M. Council of New York for that purpose; a Commission of Review was accordingly prepared and approved by H.M. in Council on the 5th of Feb., 1706. We find that the Lord Cornbury continued in the Government of New York till 1708, *etc.*, but it does not appear by the Lord Cornbury's letters to this Board, or from any other accounts in the books of our Office, that any proceedings were had in this case by virtue of the last mentioned Commission of Review; and Mr. Mason *etc.*, hath attended us and declar'd that he is not only ignorant of any proceedings had upon it *etc.*, but never heard there was such a Commission issu'd out, tho' he was at that time residing in Connecticut and Guardian of the said Indians. Whereupon we would humbly propose to your Majesty, that a fresh Commission of Review should be granted to such persons as your Majesty shall think proper, investing them with the same authority and powers, for rehearing and determining all matters relating to this case, as were granted by the aforesaid Commission of Review; and that in regard to the poverty of the present Sachem and the Mohegan Indians, the charge attending this

1736. [332 i.]

Commission and all other dispatches relating thereto, be defrayed at the expence of the Crown, agreeable to what was ordered by Her late Majesty on the former occasion. [*C.O.* 5, 1294. *pp.* 85-95].

[June 10.] **333.** Petition and Appeal of Sir Henry Ashurst, Bart., on behalf of the Governor and Company of Connecticut and of great numbers of freeholders and planters in the said Colony, to the Queen [Anne], Feb., 1706. Copy of the original petition against the decree of the Commissioners appointed to decide the controversy between Connecticut and the Mohegan Indians. Heard in Council May 17 and 21, 1706. (*v.* C.S.P. 1706, *No.* 368 *etc.*) *Endorsed*, Recd. Read 10th June, 1736. 12 *pp.* [*C.O.* 5, 1268. *ff.* 198-203 *v.*, 204 *v.*].

June 12.  
New York.

**334.** President Clarke to the Duke of Newcastle. With this I do myself the honor to send to your Grace a duplicate of my letter of the 29th of May ; since that time nothing extraordinary has occurred to deserve your Grace's notice, unless it be that there appears daily a greater calm in the province, the misguided people having given over their expectations of having of Van Dam and Morris's being restored, and preparing themselves to receive contrary news ; for my own part I beg leave to assure your Grace that I give them no cause of complaint, I open my arms to receive those who have been led astray, and I dare with more confidence than ever affirm to your Grace that upon the signification of H.M. approbation of Van Dam's suspension, of Alexander's dismissal from the Council, and of Morris's not being to be reinstated, the spirit of faction will soon disappear, the Assembly meet and do their duty, and quiet and concord resume their former seats ; nor can anything obstruct it but a speedy dissolution of this Assembly ; that indeed will throw the people into fresh convulsions, and make an union more difficult to be brought about, especially if the dissolution be before the deficiencies of the Revenue be provided for and another Revenue given. The deficiency of the Revenue at present is four thousand pounds. The Treasurer computes that all the Revenue yet to come, as it expires next year, will not bring in more money then will be necessary to sink the bills of credit directed by the Revenue Act to be sunk. So that at the expiration of the Revenue there will be a further deficiency of above four thousand pounds more, thus all the officers of the Government will for more then two years be without a penny of their salary, the main support of their familys, which will reduce them to the utmost necessities, and my fate will be worse than theirs for I shall not only live at an extraordinary expence, but must buy firewood and candle for the Garrison, repair the fort *etc.* and pay all the contingent charges of the Government out of my own pocket. But if this Assembly be not dissolved, as it is not expected from me that it should, I make no doubt but that they will in the first place provide for the deficiencies of the Revenue, and afterwards give another Revenue before this



1736. [334]

expires without clogging it with those unprecedented demands which a new Assembly, if the faction have a majority, will do ; if this Assembly be dissolved before they have provided for the deficiencies of the Revenue a new Assembly chosen at this time will not make them good, nor give another Revenue otherwise then as I have done myself the honor to mention to your Grace : it is therefore, I humbly presume, of the highest importance to H.M. service to keep this Assembly on foot till these things are done ; the Governor may then dissolve them (as it will undoubtedly be expected from him, come when he will) this Assembly having sate ever since the year 1728 and having nothing to ask of a new one will have time enough by mild and gentle methods to reclaim the diseaffected, if not done to his hand, and to unite the minds of the people. Tomorrow Mrs. Cosby embarks on board the *Squirrel* man of warr for Boston, to go from thence to England in the station ship that the *Squirrel* relieves : I have done whatever has lain in my power to contribute to her ease, and I hope she has found the good effects of it : undoubtedly had Van Dam succeeded to the administration of the Government she would have felt the severist and most unjust persecution that ever lady suffered. If he had any just demand on Governor Cosby, which as executrix Mrs. Cosby is now liable to, the Laws are open to him in England and he may sue her there, if he does not, it will I think be plain that all his pretences were calculated to make a clamor here, and to misrepresent Govr. Cosby at home ; and I dare affirm to your Grace that most if not all Morris's complaints are built on the same foundation. I humbly implore your Grace's protection against the malice of the implacable enemies of Governor Cosby, who will most certainly ruin me if Van Dam be restored *etc.* Signed, Geo. Clarke. 4 pp. [C.O. 5, 1093. ff. 406-407 v.].

June 12.  
Barbados.

**335.** President Dottin to the Duke of Newcastle. *Abstract.* *Hopes* letters of enclosures of 18th March have come to his Grace's hands. *Refers* to enclosures. Will lay enclosed report of a Committee of Council upon officers' fees before the Council at its next meeting. *Continues* :—If the advice therein offer'd for passing a new law be approved of by the Board, I hope I shall not incur your Grace's censure or H.M. displeasure, should I give my assent thereto, since no person can possibly be injur'd nor any alteration made till the propos'd law shall be confirm'd at home, which I presume to hope will soon afterwards be, since the hardships occasion'd by some of the officers' exactions are most severely felt by the poorer sort of the people of this Island. I thought myself exceedingly happy in administring the government of this place that the same harmony seem'd to continue as had been in the government of my noble predecessor whose steps I ever determin'd to follow, but a cause between Rawlin and Warren having been lately heard in the Court of Exchequer praying a condemnation of five casks of sugar of the value of about fifty pounds for not having paid the same specie for duty as the Law required, tho' the sugar was

1736. [335]

not actually ship'd, (as on other seizures they were) but only in a lighter going on board the vessel which was to transport it beyond seas, on a solemn hearing of the cause, the Court was unanimously of opinion that the seizure was not good, on which a petition was prefer'd to me for an appeal, but not having known an instance of the sort before I referr'd back the petition to the Attorney General of this island for his opinion whether an appeal to myself and Council ought to be granted or not, which he thinking might be done, I immediately granted it and all the proceedings were transmitted before us, and the Attorney insisting that it was a cause of very great consequence to the Revenue and therefore ought not to meet with the least delay, and that I shou'd adjourn the Council *de die in diem* till it was determin'd, I did from his representation cause it to be heard with the utmost expedition, but on arguing it, the same appear'd to me quite different from what it was represented, and therefore I was of opinion for affirming the judgment given below and two other members being likewise of the same opinion which differ'd from three who were for reversing, no determination could then be made, but immediately several virulent papers were publish'd in the Gazette of this island reflecting on mine and the other two members' judgment and endeavouring to raise dissention and disputes among the people of the island, and disturb that repose which till then had subsisted; however on a second argument of the cause a majority voting for affirming the judgment it was declar'd in Court that Mr. Attorney did appeal to H.M. without asking my allowance thereof, and as I was not acquainted with his instructions or what authority he had for taking this unusual and extraordinary step contrary to the method that has been constantly practis'd of asking or praying an appeal, I thought myself no way concern'd in the declaration he had made, but after all the papers were it seems ready to be transmitted, the Attorney thought proper in a memorial he sent me, wrote in a stile I think too magisterial for him to address H.M. Commander in Chief in, desiring I wou'd not only permit the seal to be affix'd to the papers but also signify my allowance of the appeal, this oblig'd me to have recourse to my instructions, whereby I find H.M. will and pleasure there declar'd is "that if either party shou'd not rest satisfied with the judgment of the Commander in Chief and Council that they might then appeal to him in his Privy Council, provided the sum or value so appealed for do exceed five hundred pounds sterling," and as I was convinc'd that the value of the sugar seiz'd was not above fifty pounds, and I cou'd not conceive there was the least danger that H.M. by reason or means of this judgment was it to be revers'd cou'd suffer more than the loss of about twenty five pounds tho' the officers of the Customs raised chimerical notions and vented them abroad which at the same time they cou'd not but be sensible were notoriously false, I thought myself restrain'd by this instruction from allowing an appeal, tho' the Attorney said as he look'd upon this to be an extraordinary case it was not within the



1736.

[335]

meaning of my Instruction, and yet at the same time he allow'd that the formality there requir'd of appealing within fourteen days and of giving security as directed should be regarded, which seem'd to me to be a compliance with forms without regarding the substance. Besides I find by another Instruction, H.M. is pleas'd not to admit of an appeal to him in case of a fine or forfeiture for any sum under two hundred pounds—and as I apprehended it was intended in appeals that each party should have the same privilege, so had the judgment been against the claimer of these sugars, he cou'd not have that benefit; however to prevent the least shadow of complaint of partiality in me, I readily gave my testimonial and affix'd the Seal to all the papers desir'd in order to their being transmitted home, but notwithstanding this I am inform'd the Attorney has reported that he has made a complaint against me which he does not doubt will be effectual for removing me from the administration of the Government, but as I have taken the best pains I am capable to inform my judgment in every instance and acted pursuant thereto, which I thought myself oblig'd to do, I little regard his complaint, nor wou'd that have occasion'd me to give your Grace the trouble of mentioning this affair to you, not that I shall be glad to know whether it is H.M. pleasure in any case where the consequence of the judgment may possibly be above five hundred pounds value or where the King is nam'd, that an appeal should be allow'd tho the sum then disputed be never so trifling, or if the other party whose damage can be no more than the loss of what is seiz'd may have the like privilege, and what particular security should be taken in these cases. I am aware it will be insinuated as is done by the Custom House officers in a letter of an extraordinary nature wrote to the Attorney General and which I just had a sight of, that great mischiefs and inconveniencys will arise by the judgment in the present cause as the planters are resolv'd to pay in one specie of sugar as duty for another sort shipt, but this I beg leave to assure your Grace is a monstrous falsity invented only with a design to give countenance and credit to this seizure which I take was made only out of resentment and pique against a person who had no design or intention to defraud H.M. of his just right and which might pursuant to the Commissioners of the Customs' Instructions have been secured by the officer without a seizure had he not more a design to vex, appress and gratify his resentment against a particular person then to secure H.M. duty. I am heartily sorry to have dwelt so long on this affair, but it having been warmly espous'd here by the Attorney whose behaviour has been most extraordinary in it, I presum'd to set it in a clear light to your Grace and shall be exceedingly oblig'd to you for your opinion and directions relating to my Instructions and of my conduct therein, since I own should it meet with your Grace's approbation it will give me a most sensible pleasure, as on the other hand, should your Grace think me blameable as I acted by the dictates of my conscience without the least partiality, I shall be sorry for my want of judgment in not

1736. [335]

apprehending this matter in the manner your Grace takes it in, and for the future guide my opinion relating to the Instructions as your Grace directs, who certainly well knows the intention design'd by them tho' it might be doubtfully therein express'd, and for my own part I am so far from hindering or preventing appeals, that on the contrary I shall be pleas'd to allow them in every instance of ever so small value did I not think myself restrain'd by my instructions from doing so, *etc.* Signed, James Dottin (1). 3½ pp. *Enclosed*,

335. i. Report by a Committee of the Council of Barbados, with lists of officers' fees, June 1st, 1736. Signed, Ralph Weekes, Thos. Maxwell, John Gollop. *Copy*. pp. [C.O. 28, 45. ff. 369-386].

June 14.  
Barbados.

**336.** President Dottin to the Council of Trade and Plantations. As I have not been honour'd with any of your commands for some time past, in answer to the several letters I presum'd to trouble you with, on what I thought to be for H.M. Service, and which I hope came safely to your Lordships' hands, I wou'd chuse not to give you any further trouble, till I cou'd have the pleasure of acknowledging the receipt of a letter from your Lordships, but an affair lately happening here, for which it is reported I am to be complain'd of to H.M., I beg leave to desire your Lordships' advice and direction on the construction to be made of some of my Instructions, in which I happen to differ with the Attorney General of this Island. I find H.M. has been pleas'd to declare his will and pleasure, that if on hearing a cause in His Supream Court in this Island, either of the partys should not be satisfy'd with the judgment of the Commander in Chief and Council, that they might then appeal to Him in his Privy Council, provided the sum or value so appealed for do exceed five hundred pounds sterling, and by another Instruction no appeal is to be allow'd in case of a fine or forfeiture for any sum under £200, and as I apprehended H.M. intended by the first Instruction that each party should have the same privilege of appealing, and in no case, that one of them might, and the other should not, have the advantage, and that the sum or value then actually, and not consequentially, in dispute, must be above what is expressly limited by the Instruction, I have in several instances where an appeal has been ask'd, deny'd to grant it because I was restrain'd by my Instruction from allowing it, and particularly some years ago, on a seizure made by one Young of some sugars under that value, for which there was a judgment against him in the Court of Exchequer and Court of Errors, he pray'd an appeal which was deny'd him for that reason, and no application was then made that it being a matter wherein the King was nam'd, it was not within the meaning of the Instruction and therefore an appeal ought to be allow'd, but a seizure lately happening of five hogsheads of sugar of the value of fifty pounds made by one Rawlin from Dr. Warren for not paying the same specie of duty tho' the sugar was not actually ship'd on board the vessell which was to transport it off the Island



1736.

[336]

(as was the case in other seizures) but only in a boat going on board, and there appear'd to be no manner of intention of fraud in the owner, and the duty might have been secur'd pursuant to the directions of the Commissioners of the Customs, who had foreseen and provided for a case of this nature, yet the Officer out of resentment and pique seiz'd the sugars, but on a solemn arguing the cause, the Court of Exchequer dismiss'd the information and on an appeal brought to the Court of Errors, as is usual for any sum tho' H.M. Instructions mention three hundred pounds, the judgment was affirm'd, on which it was declar'd that the Attorney General did appeal to H.M. without asking my allowance thereof, but afterwards he thought proper to desire it, but as I thought myself restrain'd by my Instructions, and cou'd not conceive that any more depended on this judgment than the value of the sugar seiz'd, tho' he and the officers of the Customs made this a favourite cause, and rais'd imaginary evils which at the time of venting they cou'd not but know were notoriously false, and had not the least foundation, but only broach'd to give credit to the cause, and make it appear to be of some consequence, when in truth it was not so, I deny'd an appeal, but at the same time permitted the papers to be sent under the Seal, that if it should be thought my allowance of the appeal was unnecessary the cause might be heard without any delay. I will not trouble your Lordships with a recital of the disputes wch have happen'd in this cause, wherein very extraordinary steps have been taken to traduce me, and to disturb the repose of my administration, because I cou'd not persuade myself to think as the Attorney wou'd have had me, but as I acted according to the best of my judgment, and without the least partiality, I hope my conduct will meet with your Lordships' approbation, and as the Instructions are prepar'd by your Honourable Board, who best know their meaning and construction, I beg to have your Lordships' directions whether in any case where the consequence of the judgment may possibly be above five hundred pounds value, or where the King is nam'd, an appeal ought to be allow'd, tho' the sum then disputed be never so trifling, or if the other party whose damage can be no more than the loss of what is seiz'd, may have the like privilege, and what particular security shall be taken in these cases. I presume your Lordships will have recourse to the Instructions, and if necessary make such amendments and alterations as are proper to prevent any doubt of this kind arising again, and I shall in this and every thing else most chearfully follow your Lordships' directions. *Signed*, James Dottin. *Endorsed*, Recd. 29th July, Read 24th Sept., 1736. 2½ pp. [C.O. 28, 24. ff. 178-179 v.].

June 18.  
Boston.

**337.** Governor Belcher to the Duke of Newcastle. Agreeable to the royal Charter I conven'd a new Assembly of this Province the 26th of last month, *etc.* *Encloses* their Journals. *Quotes* the words of the last leave given to him with respect to his salary, "and likewise for the future to give your assent to such bill, as shall be annually past for paying to you a salary

1736.

[337]

of £1000 str., or the value thereof in the currency of that Province." *Continues*: The meaning whereof, my Lord, I take to be, that I should sign the grants the Assembly may make me from year to year for my support, provided they should not fall below the sum they have always given me in this currency, from my first coming into the Government, and what H.M. has been constantly pleas'd to let me take in lieu of £1000 str. (being £3000 of this currency) and after the same manner they have always paid me in the Province of New Hampshire, viz. £600 of that currency for £200 str. according to the King's Instruction to me on that head *etc.* And as the Assembly has this session made me a grant (as usual) for three thousand pounds of this currency, I shall consent to the act, without giving the King, or his Ministers, any further trouble in this affair, nor have I any expectation of their making the sum larger for the future, unless by giving something more at another session, in consideration of the badness of their currency, which I shall continue to urge them to do, that my support may be as near £1000 sterling a year as I can possibly perswade them to. May it please your Grace, Having hitherto paid the strictest obedience to H.M. Instructions, I would carefully avoid any imputation to the contrary for the future, and have therefore order'd my Agents, Mr. Partridge and Mr. Belcher, to pay their duty to your Grace, and to beg the favour of your Grace's thoughts on what I now write, that if I mistake the sense of this last Instruction, I may correct myself for the future, *etc.* Signed, J. Belcher. *Endorsed*, R. 11th Aug. *Duplicate*. 4 pp. [C.O. 5, 899. ff. 228-229 v., 230 v.].

[June 18.]\*

**338.** President Clarke to the Duke of Newcastle. I have the honour to receive your Grace's letter to Govr. Cosby of the 10th of October inclosed to me in one from Mr. Oglethorp, dated at Georgia the 11th of May, wherein he acquaints me that the Spaniards were preparing to dislodge them, that they had strove to corrupt the Indians to forsake H.M. alliance and had sent for a large body of troops from the Havannah, but that they had neither trading goods, guns nor powder to perform their promises to the Indians, nor food to support their troops when they arrive, without they procure them from the English Collonys, that he was informed from Charles Town that the Spaniards have sent hither to buy provisions and desired me to prevent it. I called a Councill and lay'd before them your Grace's and Mr. Oglethorp's letters, and having advised them of the properest methods to prevent any supplies from being sent to the Spaniards, I issued an order to the Collector not to clear any vessel for St. Augustine, and a proclamation forbidding all H.M. subjects to supply the Spaniards with any stores of warr, trading goods or provisions. I wish with all my heart it may have the effect proposed, tho' I have cause to fear it will not, for the vessells which at any time go to the Havannah or St. Augustine enter at the Custom House and clear for some English Collony, and

\* Dated by reference in letter of July 26th.



1736.

[338]

it's supposed that a sloop so entered and cleared went to St. Augustine a few days before I had the honour to receive your Grace's letter. I presume, my Lord, to think the most effectually way to prevent succours being carryed to St. Augustine will be to get the Carolina and the other nearest station ships to cruise and lye off that place to hinder the English vessells from going in. I beg leave to assure your Grace that I will upon all occasions give Mr. Oglethorp all the assistance in my power, being of nothing so ambitious as the honour of obeying your Grace's commands *etc.* *Signed*, Geo. Clarke. *Endorsed*, R. July. 2 pp. [C.O. 5, 1093. ff. 408, 408 v., 409 v.].

June 18.  
Whitehall.

**339.** Council of Trade and Plantations to the Committee of the Privy Council. Enclose following, pursuant to directions of 13th May. *Annexed*,

339. i. Draft of Additional Instruction to Thomas Broughton, Lt. Governor of S. Carolina. *Cite* Governor Johnson's Instruction to take care, with the advice and consent of the Council, for the repair of Court Houses and other public buildings *etc.* *Continue* :—It has nevertheless been represented to H.M., that there is no publick prison erected in that Province. These are therefore in H.M. name to authorize and require you to recommend in the most effectual manner to the Assembly of the said Province, that they make necessary provisions for erecting a common gaol or gaols and keeping the same in repair, agreeable to the foregoing Instruction and to the practice of other British Colonies. [C.O. 5, 401. pp. 173–175].

June 19.  
Annapolis  
Royal.

**340.** Lt. Gov. Armstrong to the Council of Trade and Plantations. The trouble of this proceeds from the sad and pitiful Accot. which we have had, from one who calls herself Susannah Buckler, of the fate of a brigantine from Dublin called the *Baltimore*, Richd. White Master and Andrew Buckler sole owner and mercht. This unfortunate gentlewoman who says that she is the widow of the said Andrew Buckler having arrived here the 9th of May last from Pobomcoys with Mr. Charles Dentremow of that place, who took her from the Indians and Mr. George Mitchell, one of H.M. Surveyors, hath upon examination made before me and H.M. Council declared :—That she sail'd from Dublin the 7th of October last for Annapolis in Maryland and by bad weather being forced upon this coast, they on the 15th day of Decembr. there being eighteen persons on board got accidentally into a harbour called Tibogue near Cape Sablis, where they all died except herself and as she saith two sailors whom she left alive and in possession of the vessel the 4th of April last, when some Indians went on board and carried her to the woods after having robbed her, if her report be true, to the amount of about sixteen hundred pounds sterling in silver and gold and many other valuable things, besides the ship's cargo which, she saith, amounted as she hath been informed, to about

1736. [340]

twelve thousand pounds sterling more. She imputes the cause of their death to the want of fresh water, through the loss of their boat which the Indians had taken from two of her servants a little after their arrival in that harbour, and not to any apparent sickness or distemper; which is somewhat surprizing, seeing they might at that time, as I understand she now is, have run the vessel ashore, but as to that seeming piece of indolence, their sailing and management of the vessel, she could give no other accot. than that as they believed themselves somewhere by Piscataque, they were in hopes of meeting with some fisher men to conduct them thither. From that circumstance of the boat, the two servants being afterwards found dead, and as the two sailors are not to be found, we are not a little apprehensive of their being murdered; as to wch. and the truth of what hath been further related, as I hitherto have, so I still shall enquire as particularly as possible, and judging it necessary, I have herewith sent your Lordships copys of her own, and of the afore-said two gentlemen's declarations, the Minutes of Council and of my letters to Govr. St. Ovid, the Chief of the Cape Sables tribe, and to the inhabitants of Pobomecoys to use their endeavours with the Indians to make restitution, having in the meantime, in order to recover the vessel, sent a small party under the command of Ensn. Charles Vane to bring her hither.

By Mr. Dentremon's declaration being informed that one Jonathan Ridge or Rich of Marblehead in New England, is suspected to have taken away some of the sails and other rigging and six swivel guns etca. I have also wrote to Govr. Belcher, to enquire into it, and having sent him a copy of her declaration that he may secure such of the particulars as are therein mentioned, as may perhaps be found amongst the fishermen of that Government. I have frequently wrote to your Lordships in relation to the insolence of the Romish priests who contemn and disclaim H.M. Sovereignty, civil power and authority, and in opposition there unto set up an independent jurisdiction of their own, and as the Minute of Council will inform you of their audacious insolence on this occasion. I hope you will not only approve of my conduct in having sent them, conformable to the said Minute, out of this Province, but move H.M. to favour us with such particular Instructions as may be necessary to direct us how to manage and treat such priests, the refractory inhabitants and lawless savages, who for some time past have been so elated as seemingly to have no manner of regard to any of their Treatys; which is not only evident from former Acts and their behaviour in respect of this brigantine, but also from the insolence of those of St. Johns River in opposing a vessel sent by the store keeper of the Board of Ordnance to load with lime stone for H.M. service, their robbing the people of their cloaths and provisions, pretending that the land &c. belonged to them, and that therefore they would be paid; as the sailors of that vessell have reported. So that, my Lords, unless some method be propos'd either to bring them under, or over to H.M. interest, his Government will be for ever insulted,



1736.

[340]

and his British Subjects, if not murdered, robbed and molested ; which I most heartily recommend to your consideration ; and as I have formerly laid before your Lordships the state of this Province, as to which and particularly that part thereof in relation to Canso ; I hope through your means to be honoured with H.M. further commands which shall be faithfully obeyed by, *Signed*, L. Armstrong. *Endorsed*, Recd. 14th Sept., Read 26th Oct., 1736.  $3\frac{1}{2}$  pp. *Enclosed*,

340. i. Deposition of Susanna Buckler. Annapolis Royal, 30th May, 1736. Gives an account of the loss of the crew and cargo of the brigantine *Baltimore*, belonging to her husband, Andrew Buckler, as described in covering letter. *Signed*, Susanna Buckler. *Copy*. 7 pp.

340. ii. Deposition of George Mitchell, 11th May, 1736, relating to the same. *Signed*, Geo. Mitchell. *Copy*.  $2\frac{1}{2}$  pp.

340. iii. Examination in Council of Charles Dentremon, of Pobomcoup, Nova Scotia, upon the affair of the *Baltimore*, 11th May, 1736. *Translation of the French original signed and sworn to in Council by*, Charles Dentremon. *Copy*.  $6\frac{1}{2}$  pp.

340. iv. Minutes of Council of Nova Scotia, 4th May—7th June, 1736.  $15\frac{1}{2}$  pp.

340. v. Examination in Council of Peter Landry of Pobomcoup as to what he had seen and heard concerning the Indians and the *Baltimore*. 8th June, 1736, *Translation of French original signed in Council by* Peter Landry, his mark. 4 pp. Nos. i—v. *Endorsed as covering letter*. [C.O. 217, 7. ff. 172—173 v., 176—179, 180—181, 182—185, 186—195 v., 196 v.].

June 23.

**341.** Observation on Mr. [Wavell] Smith's and Mr. Balaguier's accounts. They charge £2 for the copy of every Act, the fee by law is 3s. for each side of paper closely written. They charge 6s. for every warrant, writ *etc.*, and 6s. for every publication, the fee being law is 3s. For the Minutes of Council, Smith has charged for 2 years and 2 months £47, whereas none of his predecessors ever charged above £12 per annum. *Details given*. Smith has also introduced several new charges against the public in the following instances:—entering the accounts of creditors to the public in the Council books, for the sake of making a new fee, and then charging 7s. a side for them, whereas if any fee is due, it is 3s. ; copies of proceedings of the Courts of Law ; presentments of the Grand Jury ; for the trial of prisoners ; for making a minute at the Sessions for appointing constables and way wardens. *Endorsed* : Recd. (from Mr. John Sharpe), Read 23rd June, 1736. 2 pp. [C.O. 152, 22. ff. 67, 67v., 71 v.].

June 23.

**342.** James Colebrooke to Andrew Stone. *Encloses following* "for his Grace's perusall." *Continues* : I design to wait upon him to-morrow at 11 *etc.*, to talk over the affair of that Island

1736.

[342]

and the particular hardship of my brother, who was forced to quitt a plantation he with great industry has raised." *etc. Signed, James Colebrooke. 1 p. Enclosed,*

342. i. Copy of a letter from New Providence to Mr. Colebrooke. *Refers to* recent rebellion (*v.* 20th March). *Continues* :—Many and grievous has the complaints of the soldiers been of late, particularly of severe punishments for trifles, so that 300 lashes has been given without any Court or other hearing ; so that some attempts has been made by some of them to run away, *etc.* *Continues account* to same effect as 20th March. *Concludes* :—We are in a very bad condition in this island. *Endorsed, R. June 23, from Mr. Colebrook. Copy. 1½ pp. [C.O. 23, 14. ff. 273, 274, 274 v., 275 v.].*

June 24.  
Charles Town,  
South  
Carolina.

**343.** Mr. Cleland to Mr. Popple. In reply to letter to Mr. Fox, Dec. 3, 1735, encloses following. *Signed, John Cleland. Endorsed, Recd. 9th Dec. 1736, Read, 8th June, 1737. Addressed. ½ p. Enclosed,*

343. i. List of ships entered and cleared in the ports of Charles Town, Beaufort Port Royal, Georgetown and Winyaw for the quarters ending Lady day and Midsummer last. *1 p. [C.O. 5, 365. ff. 216, 217, 219 v.].*

June 25.  
Pall Mall.

**344.** Lord Fitzwalter to the Duke of Newcastle. *Encloses* following relating to the Island of St. Simon "for your own private satisfaction." *Continues* :—When the papers are sent to the Board a return will be made in due form. I have also consulted the best maps we have, and find no reason to doubt but that the Island St. Simon is a part of the Dominions of the King of Great Britain, wch. extend much farther South-ward than that Island. *Signed, Fitzwalter. Enclosed,*

344. i. Copy of letter, Lord Carteret to Council of Trade and Plantations, Dec. 8, 1722.

344. ii. Copy of representation by Council of Trade and Plantations, Dec. 20th, 1722. *[C.O. 5, 383. ff. 40, 43, 43 v., 45, 45 v.].*

June 29.  
Brompton.

**345.** Wavell Smith to Mr. Popple. Encloses following to be laid before the Board. *Continues* : It will prove £581 13s. 7d. paid Mr. Balaguier for his services as D. Secry. *etc.* besides one year's bill for salary and contingencys is omitted in the Minutes. I shall answer the observations on my accounts forthwith, tho' I can't but apprehend it is something extraordinary that a private man of St. Chrisr., or even the Agent should be permitted to litigate accounts settled by the Govr. and Council there, pursuant to the King's Commn. and Instructions *etc.* In Westminster Hall they will permit no evidence to be given against a record, and surely the Journals of the Council are of that nature in respect to the transactions of the Council. *Signed, Wavll. Smith. Endorsed, Recd. June —, Read 25th Nov., 1736. Addressed. 1 p. Enclosed,*



1736.

345. i. References to Minutes of Council of St. Christopher, June 1724—May 1727, showing payments made to John Balaguier, Depty. Secretary, amounting to £581 13s. 7d. 1 p. [*C.O.* 152, 22. ff. 234, 235, 241 v.].

June 29.  
Whitehall.

- 346.** Council of Trade and Plantations to the Duke of Newcastle. Enclose extract from Governor Fitzwilliam's letters, 20th Aug. and 22nd Dec., 1735, giving an account of a ship unjustly seized by the Spaniards, and of the state of the Independent Company in the Bahama islands. [*C.O.* 24, 1. pp. 308, 309].

June 29.  
Whitehall.

- 347.** Mr. Popple to Sir W. Yonge. Encloses extract relating to Independent Company as preceding. [*C.O.* 24, 1. p. 309].

July 3.  
Whitehall.

- 348.** The Duke of Newcastle to the Council of Trade and Plantations. I send you herewith by Her Majesty's command, a copy of a letter that I have received from Mr. Oglethorpe, dated Frederica in Georgia, April the 17th, 1736, and containing an account of the dispute between him and the Spanish Governor of St. Augustine, concerning the limits of H.M. Dominions in those parts of America; I send you also a copy of a letter from Mr. Oglethorpe to the Trustees for Georgia, of the same date, inclosing copys of several letters that have past between him and the said Governor of Fort St. Augustine upon the same subject, and of a Memorial transmitted by Mr. Oglethorpe, and several depositions that have been taken relating thereto; and I am to acquaint your Lordships with Her Majesty's pleasure that you should take the several letters and papers above mentioned into your consideration, and report your opinion, with such observations as may occur to you thereupon, in order to be laid before Her Majesty. *Signed*, Holles Newcastle. *Endorsed*, Recd. 3rd July, Read 18th Aug., 1736. 1p. *Enclosed*,

348. i. Mr. Oglethorpe to the Duke of Newcastle, April 17, 1736, Frederica in Georgia. Your Grace's time is so precious, that it wou'd be injuring the publick to intrude upon yr. goodness, but as I should be as much to blame in not writing what is important, as in writing any thing trifling, I cannot neglect acquainting your Grace, that a gentleman, who came with a packet from Sr. Thomas Fitzgerald to the Capn. General of Florida, and Governour of Augustine, desired I would send him up to that place, which I did, and desired him to carry a letter from me to the Capn. General. The Indian King Toma Chi Chi (pursuant to the assurances he gave to H.M. and your Grace in England) went down with me to the utmost limits of the King of Brittain's Dominions to put us in possession of all the lands held by their nation, from this Island to the Spanish frontiers. There are three beautifull islands upon the sea coast, the first, the Indian King's nephew Tooanhowi who was in England call'd it Cumberland,

1736. [348 i.]

saying that the Duke had given him a watch to show him how to use time, and that he had obtained leave of the Creek nation to give his name to that Island, that through all times his benefactor's name might be remembered. The next Island, the fairest of this Province, I called Amelia. Oranges, myrtles and vines grow wild upon it. To the South of Amelia lies another Island, the southermost part of which, is called St. George's Point, is the farthest part of the Dominions of H.M. on the sea coast in North America. The river St. John's divides that Island from the Spanish Florida, it is there about two miles wide, and on the point of the opposite side the Spaniards keep a guard. The boat is return'd with the letters from the Capn. General of Florida, and Governour of Augustine, and I have sent copys of the letters between me and him ; to the Trustees, and a Memorial setting forth H.M. right to these countrys, who will lay them before your Grace. I am in quiet possession as far as the Spanish Outguards, and therefore hope I shall have directions what to do. I have heard that the Spanish General intends to order me to quit as far as the river Edistow, that is to say, all Georgia, and part of Carolina, but as I cannot deliver up a foot of ground belonging to H.M., to a foreign power, without the breach of my allegiance to H.M., I will alive or dead keep possession of it, till I have H.M. orders ; and if it is H.M. pleasure not to give up this most valuable part of his Dominions, I can assure your Grace that the fidelity of the Indians to H.M., and the gratitude for their treatment, when in England, is such, that with the same assistance which we had last year from Parliament, I shall not only be able to keep possession in spite of all the force of Florida, Cuba and Mexico, but if I have orders (considering the divisions amongst the Spaniards in one of those Provinces) there is more probability that the British arms should entirely conquer them, than that they can ever drive us out. And this they know so well, that tho' they may threaten, they dare not do so flagrant an injustice, as to act against so clear a right, as H.M. hath to these countrys, which are the keys of all America. The Spaniards are very apprehensive of our Indians invading them, and as I can find no other means of preventing the Wild Indians from it, I have been forced to raise men, and ordered an armed boat to guard the River St. Johns, and prevent any Indians from passing ; and have acquainted the Governour of Augustine therewith. I have also built two forts, the one on St. Simons where I now am, garrison'd with the English which I brought over, the other on Cumberland, garrison'd with Highland men—And a detachment of Germans, English



1736. [348 i.]

and Americans set out yesterday to build another fort upon St. George's Point, in order to receive those boats which are to prevent the Indians from invading the Spanish Province, and thereby keep up the tranquillity between the two Crowns. I hope your Grace will not only excuse, but approve of the length of my letter, since it is upon so important an occasion, as that of keeping a Province two hundred miles in length, the land capable of the richest production, the sea full of good ports, near which all the large homeward bound ships from the Spanish America must pass—*Endorsed*, R. June 17th. *Copy*. 4 pp.

348. ii. Governor of St. Augustine to Mr. Oglethorpe. St. Augustine of Florida, 24th March (n.s.), 1736. *Acknowledges* letter of 16th Feb. with compliments, but protests that he has infringed the "treaty made with my predecessors by going beyond the bounds marked out to each and extending into the lands of the King my Master, which I have given an account of to the Catholic King" etc. *Signed*, Francisco de Moral Sanchez. *Copy*. *Spanish*. 1½ pp.

348. iii. *Same* to *Same*, 30th March (n.s.), 1736. Since writing the above, I just now receive two couriers from the Provinces of Velevez and Talapurez, bringing me word that about 300 men have passed out of your Province into those, and that they have been commanded to build a fort which they are beginning; and as not only those, but other next neighbouring nations are subjects of the King my master, I cannot believe that this determination is yours, and therefore till I have advice from you, I shall take no step in anything. *Signed as preceding*. *Copy*. *Spanish*. ½ p.

348. iv, v. Translation of Nos. ii, iii.

348. vi. Mr. Oglethorpe to the Governor of St. Augustine, Georgia, Feb. 15, 1736. Having been ordered to inspect the affairs of this and the neighbouring Province, will use his utmost endeavours to cultivate a friendship with His Excellency etc. Recommends to him the bearer, a gentleman of ancient and noble family in Ireland, "he has letters to you from the Countess of Montejo and from Sr. Thos. Fitzgerald, who is now charged with the King of Spain's affairs in England" etc. *Copy*. 1 p.

348. vii. *Same* to *Same*. Frederica, 10th April, 1736. *Acknowledges* Nos. i and ii received by Major Richard. *Continues*:—Your Excy. mentions that you have reced. advices from the Provinces of the Uchees and Tallapoochees concerning 300 men. The first orders wch. I sent up to all the Provinces upon my arrival were for the King my Master's subjects not only to maintain the tranquility with his Catholick Majesty's subjects, but also to show all the friendship they could

1736. [348 vii.]

towards them, and as far as in their power lay, by their good offices with the free Indians to restrain them from molesting his Catholick Majesty's subjects. Whether my orders were received in the Nations before your advices came from thence, I cannot say, for the distance from the Tallapooches from us is very great, and the roads through the woods very bad. And what orders the Lieut. Governor of Carolina had given I have not been yet informed, but when I have been at Charles Town whither I intend to go very soon, I shall then be able to take such measures as are agreeable to the King my Master's commands *etc.* Upon these advices from your Excellency, to prevent any ravages that might be committed from the King my Master's territories I have ordered a boat and guards to be posted to hinder any persons from passing the rivers without licence and by that means hope to prevent ill disposed and lawless men from committing of ravages too frequent in America even in the times of the most profound peace *etc.* *Thanks H.E.* for his generous reception given to the gentlemen sent by him. "The honourable manner in which you received them after their shipwreck was entirely Spanish." *etc. Copy. 2 pp.*

348. viii. *Same* to the Duke of Newcastle. Frederica in Georgia, 17th April, 1736.

348. ix. Extract from letter from Capt. Dempsey to Mr. Oglethorpe. March 29 (N.S.), 1736. Describes his hospitable reception by the Governor of St. Augustine and interview with him. *v. preceding. Copy. 3½ pp.*

348. x. *Same to Same.* April 1st (N.S.). All here are very uneasy about tidings they have of your Indians' falling upon them here. I can answer with your Instructions to bring all to a good understanding. Be pleased to let me know your will as soon as possible. . . . I do not doubt if I can obtain the letters I writ for to London, wch. are for the Vice-roy of Mexico and the Governors of La Vera Cruz and the Havanna, but to be serviceable, if there be ever so small a beginning. Upon your answer, the Governor intends to send with me a royal Officer and one of the garison to wait on you, and if possible to agree on the limits of both Crowns. In case that does not succeed, to refer the business to the Ministers of Great Britain and Spain in Europe. *Copy.*

348. xi. *Same to Same.* Aug. 5 (N.S.). Since Major Richards' departure I have kept my bed. The Governor sat with me yesterday morning above an hour, who made heavy complaints of one of his soldiers being murdered Tuesday night last at a little post of seven men, at a place called Picolata, about 7 leagues off, especially flattering himself on your letter, of not only peace but a sincere friendship *etc.* I assured his Excy. that it must be done without your knowledge, and that if



1736. [848 xi.]

they were Indians under the protection of Great Britain, you would do justice. He thereupon sent me the name of the Captain, who is called Talofileche, who had with him four other Creek Indians, and that in case you did not think proper to give him satisfaction he must take it for a Declaration of War. That moreover there have marched into the Province of the Uchees, subject to the King his Master, and where actually he has a fort garrisoned, 300 whites, with a great body of Indians, to erect there an English fortress, of wch. he had, since my last to you, another express. To wch. I could make no reply, he being so very positive, but that I would wait your answer to His Excy's letters. The drum beat here yesterday about seven o'clock in the evening, and so did the trumpet sound, and they all were in as much hurry, as in the time of the Great Fire at London. They are all here clever alert people, the most inoffensive and best natured I have yet known of any nation so much harrast. Nos. ix-xi, *endorsed as covering letter.* Nos. x, xi. *Copies.* 2 pp.

348. xii. Mr. Ogglethorpe to Charles Dempsey. Frederica. 10th April, 1736. Instructions for answers to be given to the Governor of St. Augustine. *Continues:* You may assure the Govr. that I know nothing of the 300 men erecting a fort in the Uchees' countreys, and that I have sent up to Carolina to know if the Lieut. Govr. has ordered any such thing before my arrival. I am also not sure what countrey he means by the Province of the Uchees; there are Uchees settled under the cannon of our fort at Palachocolas, which fort has been erected above these 30 years; if he means any country belonging to the upper, or lower, or middle Creeks, they are nations in alliance with His Majesty, and there are English forts in their countreys first erected by their consent and at their desire. With respect to these 300 men I cannot conceive what should be the meaning of it, unless it should be some reinforcement sent up from Carolina to our garrison in the Creek Nation, or that they should mean a very large body of Indians, above twice that number, who are coming down from the nations of the Talappooches, the Cowetays, the Cussebays and the Pallachocolas etc., to this part of the countrey with intentions (as I believe) to fall upon the Spaniards, against whom they are in a great rage, and have complained to me that from Augustine there came 40 men who fell upon one of their families, surprised them unawares and killed some women and children and two men. They have desired me to assist them according to the Treatys with the King of Great Britain, in obtaining satisfaction. I have sent to them to desire them to desist from falling upon the Spaniards till such time as I have

1736. [348 xii.]

demonstrated to the Governour, and have told them that I doubt not to obtain satisfaction without further effusion of blood, for which purpose I have ordered them to inquire the time and place and by whom the Indians were attacked, and what number were slain *etc.* They are in such rage at the Spaniards *etc.*, that a party of them had like to have cut Major Richard to pieces, taking them for Spaniards, had they not been prevented by a boat of mine. I am very apprehensive that they will commit hostilities agst. the Spaniards, for as they have a government of their own, and are only allies and not subjects to our King, they frequently make war in spite of the Govr. of Carolina's orders, and if they should committ hostilities at the time that I am fond of friendship and have certified the Governor of my intentions, it will greatly reflect upon my honour. I have therefore thought to send down some boats well armed to keep the passes of the river and prevent their passing to invade the Spaniards, and at the same time I shall use my utmost amicable endeavours to prevent their attacking the Spaniards. But it will be necessary to obtain satisfaction for the death of their men, which I would also do in an amicable manner. If any parties have fallen into the Spanish territories it must be some of these. King Toma Chi Chi had sent some out, but at my desire has recalled them, *etc.* *Copy.* 6 pp.

348. xiii. *Same to Same.* Frederica. 12th April, 1736. *Reply to No. x.* I can assure you that the Indians were out without my consent, and I have recalled all that I could prevail upon. I was forced to go out myself, and it was with the utmost difficulty I could contain them. I fear that those who are now coming from the Upper Nations will not be so easily pacified as these were, and that some of their straglers will pass the rivers, tho' their King should consent to the pacification *etc.* The people of Carolina have complained, and the Cowetay Indians complain that the Spaniards are settling anew the Apellachee towns that were taken in the late war in Queen Anne's time, and which being in our possession at the Treaty of Utrecht, the people of Carolina say that it is an infraction of that Treaty for the Spaniards to resettle in that land *etc.* You see, Sir, that there are complaints on both sides, but I hope from the good temper of his Excy. and my own strong inclinations to peace, we shall be able to settle all things in an amicable manner *etc.* *Copy.* 2 pp. Nos. xi and xiii *endorsed as covering letter.*

348. xiv. Mr. Oglethorpe to the Trustees for Georgia. Frederica. 17th April, 1736. *Encloses* above correspondence. *Continues:* I have advice that 1500 men and three men of war have left the Havannah. Yesterday we heard guns off the sea, and one of our outguards



1736. [348 xiv.]

upon the hills on the southern sea post thought they discovered ships. The Independant Company is arrived, but the man of war is not, which makes me fear for her. As it is impossible for any assistance to come from England time enough, it is better not speaking of this, all will be over here long before you receive it. We shall do our duty, and trust to Providence for success. I have sent the Duke of Newcastle a letter inclosed to Mr. Vernon *etc.*, also will acquaint you what measures are necessary to be taken upon it. Mr. Causton has sent me his cash account, of which I have ordered him to send you one. It is necessary for me to draw upon you for £300 to support the people at Savannah, pursuant to your general disposition. The bills are for £200 and £100 payable to Mr. Thomas Causton or his order. I did on the 12th instant draw upon you for £50 payable to Mr. Cabot Davis an order for support of the Agent at Augustine. *Signed, James Oglethorpe. Endorsed as covering letter. Copy. 1½ pp.*

348. xv. Memorial of the King of Great Britain's Title to Georgia. The first discovery of this country was made by Sebastian Cabbat, who was fitted out by Henry the 7th and 8th and possession then taken in the name of the King of England. And Sir Francis Drake did in the reign of Queen Elizabeth upon ye Spaniards settling there take and burn the Fortress of Augustine, and thereby maintaind the English right. The Spaniards some years after the burning of Augustine by Sir Francis Drake retook possession of that place, but the Crown of England looked upon the same as an intrusion, and continued asserting their rights to these countrys, as far as the 29th degree of Nothern Latitude. And King Charles the First, made a grant upon that right of this Province, then call'd Carolina: Afterwards King Charles the Second, still presuming upon the same right, did, upon the former Patent being for non uses forfeited, grant all the lands from 36 to 29 degrees of Nothern Latitude, to the Lords Proprietors of Carolina and thereby asserted his right to these countrys. But the Spaniards say that they have always continued in possession of Augustine, under the Pope's grant, and that they have supported that grant by conquest, that when my Lord Cardross came and settled at Port Royal, under a grant from the Lords Proprietors, they dislodged him by force of arms, as being an intruder upon their Dominions, and that the Crown of England sat down contented therewith. In answer to which, we do allow that they did dislodge my Lord Cardross by treachery, and murdered several families, which was an infraction of the Peace then subsisting with the Crown of Spain. And the said injury was afterwards fully revenged by the Crown of

1736. [348 xv.]

Great Britain, for the Creek Indians, being in alliance with the Crown of Great Brittain, did in the year 1705 attack the Spaniards, and Apellachee Indians, took the Apallachee towns and the Spanish forts; and that the same Indians being in alliance with ye English, did soon after take the town of Augustine, and besiege the fort, but not having artillery for to take the Fort, they at last raised the siege, and came back over the rivers, but would never suffer ye Spaniards to pass the river St. Johns. That in that expedition, which was during an open war between the French and Spaniards on one side and the Queen of England, and her Allies on the other, the Creek Indians being of the number of her allies did by force of arms beat the Spaniards out of all the Islands, and lands from Port Royal to Augustine. That after the raising of the siege at Augustine, the Creek Indians still kept possession of the river St. John, and would never suffer the Spaniards to resettle either on the Islands or Continent on this side of that river; and that during that possession, the Treaty of Utrecht was made, by which H.M. and her Allies were to keep all that they were then possessed of except such places as in that Treaty were stipulated to be delivered up. And that since that Treaty, the Creek Indians have continued in possession to the very hour, that they deliver'd the possession thereof to James Oglethorpe for the use of His Brittanick Majesty, pursuant to a Treaty concluded between his said Majesty and that nation. Therefore it appears that the lands as far as St. Johns river doth belong unto his Majesty, by the same right, that any other lands in America do belong unto him; wch. is by being in possession thereof under Treaties of Peace, and whatsoever can be urged against H.M. right to these his Dominions, may as well be urged against his right to Nova Scotia, Jamaica, or any other part of America, since the Pope's grant reaches to all America, and the Spaniards never gave up their rights in form to any part, only that each party should hold w. pt. they stood possessed of at the time of concluding the Treaty. And the Crown of Brittain, by their Allies the Creeks were in possession of the same at the time of the Treaty of Utrecht, and have continued in possession thereof to this hour, as appears by the affidavits hereunto annexed. And the Spaniards have acquiesced in that possession, since they never pretended to keep any guard beyond St. Johns River, but have always kept one, and sometimes two guards on the South side of St. Johns River. *Copy.* 3 $\frac{3}{4}$  pp.

348. xvi. Deposition of Jonathan Bryan of St. Helens in the county of Berkley, Carolina, Gent. 30th March, 1736. Aged 27, deponent was born in Carolina and hath ever since inhabited there. Above seven years past



1736. [348 xvi.]

he went from Port Royal to St. Wans River in the southward part of America, and did not see any Spanish settlement whatever. He has been credibly informed that the Spaniards have had no settlements upon any of the lands between the river of St. Wans and Port Royal ever since a war in the reign of Queen Anne. About a fortnight past, he went with Tomo Chachi Mico and several other persons to the said river of St. Wans, and he could not then discover any settlement which the Spaniards had on this, the northern, side of St. Wans river. Deponent verily believes the south side of the river aforesaid is the utmost bounds of the Spanish settlement. *Signed*, Jonathan Bryan. *Copy*. 1 p.

348. xvii. Deposition of John Latter, John Barber, Richard Pyke, David Holmes, and Darby Kettihone, boatmen, of Skidoway in Georgia. 13th April, 1736. About a month past they went with Tomo Chachi Mico, King of the Yamacraw Indians, down several branches of the Alatomaha river, to an island within two miles of the river St. Wans, and afterwards to said river. They searched, but could find no settlements made by the Spaniards upon any of the lands upon the Alatomaha. They believe that the Spaniards have not had any settlement whatever upon any of the lands upon the northern side of the river from Frederica to the river St. Wans, but that the Indians have kept possession of the same; and that the south side of St. Wans is the utmost bounds of the Spanish dominions. *Signed*, John Latter, John Barber (his mark), Ried. Pyke, David Holmes (his mark), Darby Kettihone. *Copy*. 1 $\frac{3}{4}$  pp.

348. xviii. Deposition of William Horton of Frederica, Gent. 13th April, 1736. To same effect as No. xvii. *Signed*, Wm. Horton. *Copy*. 1 p. Nos. xiv—xviii *endorsed as covering letter*. [C.O. 5, 365. ff. 83, 85–86 v., 89–90 v. 91 v.–93 v., 94 v.–98 v., 98 v.–102 v., 103 v.–104 v., 105 v.–108, 109–110, 114 v.].

[? July 3.]

349. Mr. Oglethorpe to the Duke of Newcastle. The importance of the subject makes me trouble your Grace with this long letter. The French upon the Mississippi River, under the command of Mons. de Bieuville, in October last recd. advices from Europe, to prepare for a war with ye English this Spring, which bore date about the time that H.M. declared his intention of sending a fleet to Lisbon. They spent the winter in drawing together a body of 2500 French, and wou'd only take 300 chosen Indian warriors. They in vain attempted to gain over to their interest the Creek Indians, thro' whose country their road to Charlestown lies. They provided packhorses sufficient to carry seventy days provision, made magazines upon the Mobille River at a fort there call'd Albamos or Fort Thoulouse, which

1736.

[349]

is the nearest they possess to Carolina, and to which the pack-horses from Charles Town go in 21 days. They were to rendezvous at Mobile in January and to take the field in March. In January Monsr. de Bieuville arrived there, and on the 10th of that month, vessels from Europe brought him advice, that His Britannick Majesty's measures had been so succesfull as to procure a general pacification. On this the troops were order'd all back, and Monsr. de Bieuville gave out, that the expedition was intended against the Chickesaws, a nation of Indians in alliance with the English, and nearer by some hundreds of miles to the quarters the troops came from than the Mobile. The advanced guard of Monsr. de Bieuville, consisting of 200 French and 100 Indians, on the 8th of March, attack'd one of the Chickesaw towns, but being repuls'd, were persued by the Chikesaws into the Indian corn fields, and after an hour's hot engagement, the French retired in tolerable order for three quarters of a mile; but then being entirely broke, they left 25 French dead upon the spot, and 23 French and two Indians prisoners. Nineteen of the French were immediately burnt. Two English traders who had carried up goods to sell to the Chikesaws, persuaded them not to burn the French prisoners, which their war captain wou'd have consented to; but unfortunately, one of the French spoke English, and the trader answering him, the Chikesaw General cried out, "this is a traitor, he speaks the same tongue as they do, and he speaks for them; therefore burn him also." It was with much ado that the elders of the nation saved him. The Chikesaws persued and three days after met with another body of some hundreds of French, who guarded their boats on the Mississippi River, but no Indians. The engagement was very short, the French immediately taking to the stream, where most of them were drown'd, their boats having been in the beginning of the action, sunk or burnt by the Indians. We have no advice yet, what is become of Monsr. de Bieuville, but the trader who escaped burning, seeing ye Indians with a packet of letters, procured and deliver'd them to me. I have apprized your Grace, that the Creek Indians, pursuant to the treaty they made with His Majesty in England, carried me down to ye frontiers of his Dominions in America, which are divided from ye Spanish by the river of St. John's, and of which the English or their allies the Creeks have been in quiet possession before the Treaty of Utrecht. Since my last the Governour and Council of war at Augustine, have disputed our right to St. Simon's and the Alatomaha; but at last offerd to leave all differences concerning the limits of the two Provinces to the determination of the Courts in Europe, provided I wou'd deliver up the Fort at St. George's Point, on the north side of St. John's River, over against their garrison; which I shall not do without H.M. orders, if I am able to defend it. I have forebore all hostilities, tho' greatly provoked, and have fortified in such a manner, that they do not care to begin. I have not been yet able to go to Charles Town. I sent up some of your Grace's letters. Others I kept to carry myself. The people seem very unwilling to



1736.

[349]

comply with any of H.M. orders. I was a favourite with them when I was here before a private man ; but now they are angry, because I insist upon their paying obedience to the King's commands particularly to that maintaining the peace with the Indians. Some of their merchants carrying on a clandestine trade with ye French and Spaniards, are very zealous against everything that settle's the Indians in H.M. Interest ; for if the Indians go to the French and Spaniards those merchants gain by it, because they sell to these nations at vast prices, goods to present and trade to those Indians. By this Act no person can go into the Indian country, without giving security for his behaviour, and obtaining a licence thereupon, a precaution absolutely necessary ; since if men without security given, went into countries where are no magistrates to do justice to the Indians, they wou'd be apt to commit all sorts of offences. If we suffer'd the Indians to destroy them for such offences, we shou'd give them the Government from the King, and if we did not, they wou'd take a National revenge of us all, and be therein under hand supported by the French and Spaniards, who are labouring all they can to promote such an action. I thank God there are enough honest and faithfull subjects to H.M., both here and in Carolina, to execute the King's orders, notwithstanding the clamours of the men, who can bear no kind of government, but wou'd rather assist foreigners to draw slavery upon themselves and their posterity, than they will obey laws made by the best of Princes for their benefit. Excusing my being tedious is only making my letter more so, etc. *Signed*, James Oglethorpe. *Endorsed*, Without date, but received with a letter from him to Mr. Stone, dated Savanah, July 3rd, 1736. 3 $\frac{2}{3}$  pp. [C.O. 5, 383. ff. 29-30 v.].

July 3.  
Antigua.

**350.** Governor Mathew to Mr. Popple. Encloses duplicates of June 1st and of an act of Nevis and two Montserrat acts ; and an act of Antigua *for laying a duty on powder upon all vessels etc.* " This act ought to have been sent long ago, but I could not get it out of the Secretary's office, whither I sent it to be recorded etc. It ought to have been returned to me to St. Christophers, five months ago " etc. *Encloses* an act of Antigua *for raising a tax for paying public debts etc., and particularly applying the said tax.* PS.—I pray you will inform their Lordships that Peter Thomas Esq., one of the Puisne Judges, being disordered in his senses, I have appointed James Gregory a Puisne Judge in his stead in St. Christophers. And there being but six Councillors in Montserat I have placed John Roynon Esq. at that board. *Signed*, William Mathew. *Endorsed*, Recd. — Oct., 1736, Read 4th Aug., 1737. *Holograph.* 1 $\frac{1}{4}$  pp. *Enclosed*, 350. i. Duplicate (original not recd.) of letter of 1st June. [C.O. 152, 23. ff. 1-2 v.].

July 7.  
Boston.

**351.** Governor Belcher to the Council of Trade and Plantations. I had the honour of writing your Lordships 25th May last, from which time the General Assembly of this Province

1736.

[351]

has been sitting and will rise in a few days. The first act they past was the Governour's salary in the same manner as last year, which I shall sign according to H.M. last Instruction. I have wrote your Lordships year after year, that I have no expectation of the Assembly's supporting me any otherwise than they have hitherto done, and I now confirm it. No Acts have been past this Session of an extraordinary nature. The Secretary is preparing to send the Laws to your Lordships, with the accotts. of the Treasury and your Lordships have herewith the Journal of the House of Repre's. to this time. It is now, my Lords, near two years, that I have been solliciting H.M. bounty of hemp seed, and which your Lordships were pleas'd to write to me you had favourably represented to the King, but as none is come, it has put a great stop to the raising of that Naval Store in this Province: If your Lordships could get through this affair, so as that the seed might be here before winter, there would be considerable quantities of hemp rais'd the next year. *Signed*, J. Belcher. *Endorsed*, Recd. 13th Aug., Read 16th Sept., 1736. 4 pp. [C.O. 5, 879. ff. 37-38 v., 39 v.].

July 8.  
Boston.

**352.** *Same* to the Duke of Newcastle. It is now near five years, since I recd. your Grace's commands in favour of Mr. W. Shirley, who then came hither with his Lady from Great Britain, and has ever since been in the practice of the law, which (considering the mean value of the currency) makes but a small income. He has behav'd here much to his honour and reputation, and for some time has been appointed by the Lords of the Admiralty H.M. Advocate General for the Provinces of the Massachusetts Bay, New Hampshire and Rhode Island, which is a place of great importance to the Crown, and of much business, but no salary affix't to it. I have been consulting with Mr. Shirley, H.M. Advocate General about an Act of Parliament, to be brought forward at the next session, for the better preservation of the King's masts in his American Plantations, and his Lady, now a passenger with Capt. Durelly, carries the draft of such an act, with which she will wait on your Grace. And although the act may be perhaps too smart in some things, and too loose in others, yet it may be the foundation, to give hints for drawing an act that may answer the good end propos'd. The care of prosecutions against trespassers in the King's Woods, which is a business peculiar to the Advocate General of these Provinces, (the Royal Navy being furnisht with masts out of them) depends intirely upon the Advocate General, [and] requires fidelity and skill to discharge it. Mr. Shirley is oblig'd to make long journeys sometimes at his own expence, as he has particularly done twice, to defend prosecutions carry'd on against some workmen of the Contractor with the Navy Board for cutting down masts for the Navy, in which the Crown's title to the woods in the County of York (late Province of Main) is affected, and appeals in these cases are now depending before the King in Council. The prosecutions against the loggers, and other trespassers, are frequent and difficult, (being unpopular



1736. [352]

and invidious) in the affair of the woods, which is of vast importance to the Crown, and rests singly upon H.M. Advocate. Mr. Shirley is considerable out of pocket, and on this acct., my Lord Duke, is su'd in an action of £500 damage, tho' he has acted with the utmost caution, and it can't be expected, that any Gentm. can serve the Crown with honour in this business, who is not properly supported. All seizures and forfeitures, arising in the Customs, go thro' the Advocate General's hands, and greatly depend on his care and fidelity. The putting in execution the Sugar acts has been chiefly thro' the care and vigilance of Mr. Shirley, as Advocate; yet in some cases, my Lord Duke, he is wholly unprovided for, as in a late instance, where eighty hhds. of molasses are secur'd for the payment of the King's dues, upon which Mr. Shirley was oblig'd to go to Rhode Island, and it is intirely owing to his direction, that the molasses are secur'd 'till tryal, and yet in this case Mr. Shirley is at his own expence, and must continue so all the time he defends them. I am satisfy'd it might have been easy for an Advocate in such a case to get from the owners 2 or £300 *etc.* *Proposes* that a salary be paid him out of H.M. Exchequer of at least £200 sterl. *etc.* *Argues* that the Attorney General of New York, an officer of not a tenth part of the trust and business of Mr. Shirley, has £150 a year *etc.* *Sends this* by the hands of Mrs. Shirley *etc.* *Signed*, J. Belcher. *Endorsed*, R. Sept. 17th. *Holograph*. 12 pp [C.O. 5, 899. ff. 231-236 v.].

July 8.  
Boston.

**353.** Mr. Peagram to the Council of Trade and Plantations. At the request of Mr. Shirley, *testifies* to the importance and onerous nature of the office of Advocate General: "The service of the Crown in carrying on prosecutions upon seizures and forfeitures agst. the merchants in these Provinces is attended with a popular odium and disgust and much trouble" *etc.* His fees arising from the business of the Customs, £15 sterl. a year *etc.* *Signed*, Jno. Peagram. *Endorsed*, Recd. 29th Sept., Read 11th Nov., 1736. 4 pp. [C.O. 5, 879. ff. 79-80 v., 81 v.].

July 9.  
Boston.

**354.** Mr. Waldo to Joseph and Ralph Gutston. *Testifies* to the services of Mr. Shirley, Advocate General in protecting the Crown woods, who ought to have a proper salary. Mr. Shirley has sent a draft of an act for their better preservation to Sir Charles Wager and the Duke of Newcastle. The country is engaged against the Crown in their actions against Leighton, their General Court having ordered their Agent to support Frost against his appeal at home. Describes how no one would buy or saw logs seized by the Advocate General and condemned, but these were surreptitiously sawn for the benefit of offenders and loaded by the coasters in their sloops, though Col. Dunbar warned them against doing so. Mr. Shirley has thereupon prosecuted one of the coasters in the Court of Admiralty for a contempt of the decree and procured him to be fined £100 province bills, for which he is now sued for £500 by the coaster *etc.* *Signed*, S. Waldo. *Endorsed*, Recd., Read 29th Sept., 1736. *Copy*. 3½ pp. [C.O. 5, 879. ff. 55-56 v., 57 v.].

1736.  
July 9.  
Boston.

**355.** Mr. Waldo to Mr. Popple. Since I had the favour of the Royall order for Colo. Dunbar to quitt the Eastern lands, I have done all I possibly could to effect the settlement of two towns on St. George's River, which after a survey of the whole tract contd. in the patent, I had laid out, and notwithstanding a denyall Govr. Belcher gave me of protection began with the number of 163 familys, many of which being on the spott, and the others ready to remove there, but to my very great surprise, damage and disappointment I am forbidden by H.E. to proceed upon a pretence of the Indians, who att first manifested a good liking to my settlement, being now dissatisfied, so that the poor people in that country are and will be much exposed to the insults of their Indian neighbours, and the settlement which I had hopefully begun with the expence of a large sum of money, will without the immediate protection of the Crown be intirely deserted *etc.* *Is preparing a state of the case to be laid before the Board, etc.* Signed, S. Waldo. Endorsed, Recd., Read 16th Sept., 1736. *Holograph.* 2 pp. [C.O. 5, 879. ff. 54, 54 v., 58 v.].

July 10.  
Whitehall.

**356.** Order of Committee of Council. The Lords of the Committee this day took into consideration a Report made by the Lords Commissioners for Trade and Plantations, for repealing an Act past in the Province of the Massachusetts Bay, *etc.*, to prevent the Currency of certain bills or notes of hand emitted by a Society or number of persons in the Province of New Hampshire, and heard Counsel for the Agent of the Massachusetts Bay in support of the said Act, and, being informed that bills of credit to a great value have been issued in the several Provinces which formerly were a part of, and called New England, vizt. Massachusetts Bay, New Hampshire, Rhode Island and Connecticut, do think it proper hereby to order, that the said Lords Commissioners for Trade and Plantations, do consider of, and lay before this Committee, a state of the paper currency in those Provinces. Signed, Ja. Vernon. Endorsed, Recd. 23rd July, Read 10th Aug., 1736. 1 p. [C.O. 5, 879. ff. 9, 14 v.].

July 10.

**357.** Lt. Governor Gooch to Mr. Popple. Acknowledges letter of 18th March, received 6th instant. The Commissioners appointed to settle Ld. Fairfax's bounds will set out in the beginning of Sept., the only season of the year for such a survey, *etc.* Signed, Will. Gooch. Endorsed, Recd. 18th, Read 20th Oct., 1736.  $\frac{2}{3}$  p. [C.O. 5, 1324. ff. 27, 33 v.].

July 10.  
Boston in  
N. England.

**358.** J. Wimble to the Duke of Newcastle. *Abstract.* The Collectors' places at Cape Fear and at Bath in N. Carolina being vacant, requests his Grace's help in obtaining one; "the former i should rather because I have a small instrust there" *etc.* Signed, James Wimble. Addressed. *An illiterate letter.* 1 p. [C.O. 5, 899. ff. 237, 238 v.].



1736.

July 15.  
Kensington.

**359.** Order of Queen, Guardian of the Kingdom and H.M. Lieutenant within the same, in Council. Approving draught of Additional Instruction to Governor of S. Carolina concerning erection of a gaol. *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 25th Aug., 1736.  $1\frac{1}{2}$  pp. [C.O. 5, 365. ff. 115, 118 v.].

July 16.  
Kensington.

**360.** Order of the Queen, Guardian of the Kingdom, *etc.*, in Council. Appointing John Colleton and John Braithwaite Councillors, S. Carolina, in the room of Ralph Izard and Francis Yonge. *Signed*, W. Sharpe. *Endorsed*, Recd. Read 25th Aug., 1736.  $1\frac{3}{4}$  pp. [C.O. 5, 365. ff. 116, 116 v., 117 v.].

July 17.  
Antigua.

**361.** Governor Mathew to Mr. Popple. I now send Minutes of the Council of Montserrat from the 25 March to 24 June, 1736, and Minutes of the Assembly of Montserrat for that quarter. And an Act of the Island of Montserrat entitled *An Act for the more effectual preventing all trade in those parts between H.M. subjects and the French*. I must pray in behalf of these distressed Sugar Colonys, you lay before their Lordships this most necessary law for their kindly commending it to H.M. for the royal confirmation. We cannot here with any show of reason pretend to intercept any French vessel laden with their own produce sayling on the High Seas any whither through this Government. And the Act of Parliament, to prevent the Rhode Island and New England men trading with them, from their evasions in these parts, and the negligent behaviour of the officers to the Northward is of no better avail, than as a testimony that 'tis the sence of the Parliament this destructive trade to these Colonys should be broke through, and this has chiefly, besides H.M. Instructions and other motives recited in the Preamble of this law, with a firm conviction we were dayly undoing by this trade, induc'd me to assent to this law. And such a one is passing the Legislature of St. Christophers and introducing in the Legislature here. For tho' French vessels, as I said, cannot be intercepted on the High Seas carrying their molass and rum to the New England and Rhode Island men who have and still continue to sett the Act of Parliament at nought. Still this last resource remains for us, and is provided for by this law. That they shall not return with the produce of this illicit trade, for the English commoditys found on board shall convict them of that trade and bring them to a confiscation. This if watchfully attended to, by the Governours and ships of war here, will, I hope, give us in great measure the releif intended by Parliament, and the French will soon grow weary of a trade big with our ruin, and have less encouragements to trample upon and destroy us, as with the most unheard insolence and cruelty, they have long continued to do in these French Islands. A very recent testimony of their presumption hapned but in May last. The sloop *Dolphin* of this Island went to Domenica. The French *Guarde de Cote* seizd her there, pretending she had traded with the French there, carry'd her by force to Martenica, imprisoned and cruelly used the crew, brought her to tryal, but no trade was

1736. [361] prov'd. Yet, after long imprisonment, they were dismissed, paying all charge of suit expences and exorbitances, of which I have the testimonys now by me from their own bureaux. Is Domenica a French Island? The French are actually 364 familys now upon it, under Monsieur LeGrand, the Commandant. But the French General took his commission from him about four months ago, that he might say he held no power then under him, but he has given him another since, and directs to him as Commandant: Arthur Wilkinson of this Island tells me he once carry'd a letter from Monsieur Champigny to Le Grand directed, *Commandant des Français à La Dominique*. John Tomlinson Junr. Esqr. having refused to continue acting as a Puisne Judge in this Island, I have with consent of the Council appointed Edward Horne Esqr. in his stead. *Signed*, William Mathew. *Endorsed*, Recd. 10th Sept., Read 1st Oct., 1736. *Holograph*. 3½ pp. [C.O. 152, 22. ff. 127-129 v.].

July 19. **362.** Mr. Shirley to the Duke of Newcastle. *Abstract*. In obedience to instructions from Governor Belcher has drafted a bill for the better preservation of the woods, which, I apprehend, will effectually remedy the several mischievous practices I have found by experience in my part to have rendered the acts already made *etc.* ineffectual, and without which I am satisfy'd no new act of Parliam't ever can be made to answer the end of the Crown *etc.* *Refers* to Governor Belcher's letter recommending that a salary should be annexed to his post, *etc.* *Signed*, Wm. Shirley. *Endorsed*, Recd. Sept. 17th. *Holograph*. 3 pp. [C.O. 5, 899. ff. 239-240 v.].

July 20. **363.** Mr. Thomlinson, Agent for New Hampshire to Mr. Great Trinity Lane. Popple. Forwards information as to the paper money out in Massachusetts, Rhode Island and New Hampshire. *Signed*, John Thomlinson. 3 large pp. [C.O. 5, 879. ff. 105-106 v.].

July 20. **364.** Captain Burrington to Commissioners of H.M. Customs. London. Makes suggestions concerning collection of the customs in N. Carolina. *Signed*, Geo. Burrington. *Endorsed*, Recd. 27th July, Read 21st Oct., 1736. 9½ pp. [C.O. 5, 395. ff. 29-33 v., 34 v.].

July 22. **365.** Governor Belcher to the Council of Trade and Plantations. Boston. Since I had the honour of writing you last, I have had a conference with a number of Indians delegated from those call'd the Penobscot tribe being in the Eastern part of this Province; *Encloses following*. *Continues*:—I think they went away satisfy'd in the justice of this Government, and which I hope will tend to establish and lengthen out the good peace subsisting between H.M. subjects of this Province, and those Indians. The present given them consisted in blankets, hats, guns, powder and shot, to the value of about £35 sterling. Mr. Partridge will deliver your Lordships the Journal of the House of Representatives of this Province to the time I prorogu'd them. *Signed*, J.



1736.

[365]

Belcher. *Endorsed*, Reed. 13th, Read 16th Sept., 1736. 3 pp.  
*Enclosed*,

365. i. Conference between Governor Belcher and the Penobscot Indians, relating to Mr. Waldo's settlement on St. George's River. Penobscot Indians' letter to the Governour, July 22, 1736. Great Governour, whereas there have been misconstructions of what we have said at Casco and other places, as tho' some Frenchmen or others had filled our heads with what we should deliver: we assure your Excellency, that our results have been formed and consummated at our Head Plantation without the advice of French or English, and that we have conjured Captain Gyles to send you the sense of our souls which shall be expressed to him in our words. Having for a year past desired that some of our tribe might, as our Representatives, wait on your Excellency; and met with various obstructions herein; it's apparent to us that our attendance upon your Excellency is thought unnecessary, therefore we undertake the declaration of our mind by writing, and now, Governour Belcher, we would mention something of the case between Mr. Waldo and us, fearing whether you may have been well informed thereof. At his first appearance at George's a few Indians met him, and (perhaps through expectation of liquors) assented to his building an house and mill, without any direction from Chiefs, Council, or the proper owners of the land. But on his second arrival, the Chiefs being present, we let him know our dislike of his settleing upon any former or foreign pretences of claims derived from those, whose the land never was; yet after long debate, and through extream fondness of Peace, we assented to his settleing the lots, and finishing the houses which he had begun upon the river; which upon long and serious consideration of its attendants and consequences we now repent of, and desire you to prevent; we expect you have power so to do; we think it will cause the breach of peace: which doubtless it's the duty of every power to prevent. But if they will proceed further up the river, or elsewhere, they may depend on our displeasure. For when lands are taken from us in time of war, we are content, but if in time of peace, we cannot rest satisfied. If persons would settle lands not their own; we choose that they would tell us so plainly, and not wind themselves in, and encroach upon us by subtility, for then we should immediately come to some resolution—we must acquaint your Excellency of something further vizt.: Whereas its our agreement to inform each other of any grievances &c.; we account ourselves aggrieved in the late restriction of trade, which at the time of our agreements was free and open, tho' we are well

1736. [365 i.]

pleased with that article in the restriction which prohibits strong liquor. In case one or two of our tribe should write to your Excellency, we desire your Excellency would take no notice of it unless by the advice of a General Council. We pray your Excellency to give these words their due weight, for they are of vast importance, and let us do our utmost for the securing peace and friendship, with hearty affection we salute your Excellency. Chasonset, Adowekenk, Lewis Henguid, Loron, Papoodowit, Joba, Joseph Akasunhawk, Asswenuit, Paterrimin, Bamenuit. [Totem marks].  
*Copy.* 2½ pp.

365. ii. Minutes of Council and Assembly of the Massachusetts Bay, 17th May—25th June. The Penobscot Indians were heard by the Governor in the presence of the two Houses, and at his invitation, a Joint Committee considered and reported upon their complaints after hearing Mr. Waldo and the said Indians (July 3). Governor Belcher accordingly gave the Delegates of the Penobscot Indians the following reply in a Conference in the Council, the whole General Court being present (July 6): *concluding*: I have considered your first grievance and complaint of Mr. Waldo's endeavouring to settle above the Falls or flowing water in St. George's River, and I do assure you, upon the advice of this whole Government, that neither Mr. Waldo nor any other person shall have any countenance for settling above the falls or flowing water there until the Government is satisfied that these lands have been purchased of such Indians as were the rightful owners thereof. As to the grievance of what you have offered about the new law for restraining trade, it was done to prevent your being cheated and imposed on by private traders, and the Government make no doubt of your finding the benefit of it, but if it should turn out otherwise, you shall find relieve. As to the truck master's imposing on you about the price of beaver; care shall be taken you shall have the full price for the future according as the season of the year governs, and care shall be taken you have a copy of what I say for your information. I have said what I have to say. If you have anything to say, I shall be glad to hear it. *Coll. Espagnet.* Some of our young men did some mischief at Pemaquid, they killed a pig, I am sorry for it, but they have been very hardly used. A man took away the English flagg the Governour formerly gave us, and two shirts. *Governour.* Who took away the flagg. What person was it? *Indian.* I don't know who he was, but we ask'd Captain Woodside, and he told us 'twas a man the Governour sent for to the westward to live at his farm. *Governour.* I'll ask Captain Woodside, and if the flagg is lost you shall have another.



1736. [365 ii.]

*Espagnet.* I would not hinder the Delegates' Speech. *Captn. Jobe, Speaker.* The conclusion of what we have to say is allowed, so far is concluded if anything should happen by our young men, we pray there may be a hearing and enquiry into the matter first; we have got no more to say at present. *Governour.* As we are now good neighbours and friends we desire to continue so, and this is specially agreed to in all the Treatys of Peace. You must act wisely and prudently respecting the settlements made there, and if you find difficultys, you know where to complain, that things may still be kept peaceable. You may entirely depend on the observation of all the Articles of Peace, they shall be strictly performed. *Governour.* Drink, King George and all friends at Penobscot. *Indians.* Return the Salute. The present of the Government brought out, and his Excellency ordered the present to be delivered and said it was from the Government, there being three hatts with feathers. The Governour told them that was to distinguish those three who were King George's officers, *etc.* *Signed,* P. Simon Frost. Dep. Secry. *Endorsed,* Recd. 13th, Read 16th Sept., 1736. 3½ pp. [*C.O.* 5, 879. ff. 40-52 v., 53 v.].

July 26.  
New York.

**366.** President Clarke to the Duke of Newcastle. I do myself the honor to send to your Grace a copy of my letter of the 18th[?] of June, I hope Mr. Oglethorp's apprehensions of hostilities from the Spaniards are pretty well over, for we hear nothing of it. I heartily wish succes to the settlement of Georgia on every account. If the people have their health they will in a few years be too numerous to fear any attacks from the Spaniards and become a strong barrier to Carolina, and I think those places that are frontiers both against the Spaniards to the Southward, and against the French to the Northward ought to have incouragement to extend their settlements and to make them as populous as possible. It was principally with this view and to augment H.M. quit rents that I projected a scheme to settle the Mohacks country in this province, which I have the pleasure to hear from Ireland and Holland is like to succeed. The scheme is to give grants gratis of an hundred thousand acres of land to the first five hundred Protestant familys that come from Europe in two hundred acres to a family; who being settled will draw thousands after them for both the situation and quality of the land are much preferable to any in Pensilvania, the only northern colony to which the Europeans resort, and the quit rents less. Governor Cosby sent home the proposals last summer under the Seal of the province, and under his and the Council's hands, but it did not reach Dublin till the last day of March; had it come these two months sooner I am assured by a letter which I lately received directed to Governor Cosby, that we should have had two ships belonging to this place (then lying there) loaded with people, but next year we hope to have

1736.

[366]

many both from thence and from Germany : when the Mohacks' country is settled we shall have nothing to fear from Canada ; our beaver trade will be well secured, and greatly augmented, and the navigation and trade of the province in general vastly increased, and the hempen manufacture set on foot, and I presume to hope the scheme will receive your Grace's approbation and protection. I have the honor to assure your Grace that the heats and animosities which lately raged in this province are so much abated that from one end of the town to the other, nothing of complaint or party disputes, which were lately the whole conversation, are now talked of, and if neither Morris nor Van Dam be restored, I am confident that I shall restore the province to perfect tranquility and to a more flourishing condition than ever. I may venture to assure your Grace, however vain it may appear, that the present good disposition of the people arises in a great measure from the opinion they have of me on a long experience. The main things that remain to be done to fix the quiet of the province on a lasting foundation are to get this Assembly to meet, to make good the deficiencies of the present Revenue, and to settle another before this expires of which I have now a fair prospect : It is the present Assembly that must do it. If your Grace will vouchsafe to give me your protection, that I may be continued in the administration of the Government, I will undertake on the forfeiture of my life to get the Assembly to do those things before this revenue expires, which will be in September, 1737. But if a Governor arrives before it be done, the province will undoubtedly be thrown again into convulsions. Zanger has lately published a vile paper highly reflecting on the memory of Governor Cosby, which would not have been writ, I believe, had not some warm spirit printed the introduction to Morris's case with some observations on it ; this enraged his son or one of his friends who in revenge wrote this scandalous paper, the only one that has appeared a good while ; their spirits were sunk, they had nothing to say, and must be silent unless Bradford the other printer provoked them, which I will endeavour to prevent, *etc.* Signed, Geo. Clarke. *Endorsed*, R. Sept. 11th. *Holograph*. 4 pp. [C.O. 5, 1093. ff. 410-411 v.].

July 28.

**367.** Governor Mathew to Richard Coope. *Extract from letter*. My sloop has seized a French ship just in the same circumstances with the sloop *Fortune* (v. Nov. 3 *etc.*), except that under the countenance of the Montserat act, she has been brought to trial (as that sloop was not) and is condemn'd ; but on a petition of the master, an appeal is granted him, and everything he ask'd, (viz.) twenty five days' time to fetch counter-security from Martinica, for security he offered in Montserat by his petition, on giving wch. he is to have ship and cargo untouched and to proceed on his voyage to Cadiz. *Endorsed*, Recd. (from Mr. Coope), Read 3rd Nov., 1736, *Copy*. 1 p. [C.O. 152, 22. ff. 152, 155 v.]



1736.

July 29.

**368.** (1) Memorandum [*? by Mr. Delafaye*] of letters and papers relating to Admiral Vernon, "for Sir R. Wle."

(2) Considerations on reading Admiral Vernon's letters,  $3\frac{1}{2}$  pp. [*C.O.* 318, 3. *Nos.* 49, 50.].

July 29.

London  
5th mo.

**369.** Mr. Partridge to Mr. Popple. In answer to thy letter of this day according to thy desire I send thee my answers to thy several questions relating to the publick bills of credit of Rhode Island, *etc.* (1) In 1732, the last account I have *etc.*, there was extant no more than £180,000, part whereof was for the service of the Crown in the expedition to Canada and Port Royal, for the building of their fortification and other publick uses *etc.* It was then about 20 years, since silver money pass'd as a currency in that Colony, but since that time it has been bought and sold there as other commodities, to export for Great Britain, therefore the people were under a necessity for making public bills of credit to serve as a medium of trade and for a better conveniency in their commerce with their neighbours. (2) *Thinks* that they were at first lent out at 5 p. cent on land security, but has not had any of their laws for making those bills transmitted to him. (3) As the Exchange is at present £530 in Rhode Island currency is equal to £100 sterl. (4) Undoubtedly a profit arises to the Colony by the interest on loan of the said bills, which goes a good way towards paying the incident charges of the Government *etc.*, besides the advantage it is to particular persons that are under but indifferent circumstances of life by relieving them from the grievous oppression of paying 10 and 15 p. cent interest for money as they did before these bills were issued. (5) *Not having* seen the laws in question, cannot say what provision was made for sinking them, but does not doubt there is some, "and altho' the Boston people refused to take these bills for a while, yet now they pass there currantly *etc.* Refers to enclosed paper and report of the Lords of Trade in 1732 or 1733. PS.—I wish thou could'st put forward the affair at ye Board relating to the New Jersie petitions *etc.* Signed, Richd. Partridge. *Endorsed*, Read 2nd Feb., 173 $\frac{1}{2}$ .  $2\frac{1}{2}$  pp. *Enclosed*.

**369. i.** Copy of Remonstrance or Answer to Complaints in a petition to the King. Newport, 17th May, 1732.

(1) In all our laws *etc.* relating to the paper currency no mention is made of silver money by the oz., which the complainants have falsely insinuated *etc.* There is not now extant of bills of credit more than £180,000 *etc.*, as in preceding. (2) The Memorial that was presented to the General Assembly of complainants *etc.*, was look't upon after a due hearing to be full of absurdities and not worthy of notice, whereupon the same was dismiss'd. The aforesaid memorial with copies of some other papers presented to H.M. by the complainants was accidentally discover'd (with the Seal of this Colony affix'd thereto) by his Honour the Depty. Govr. who immediately with two of the Council

1736. [369 i.]

waited on the late Governor, Joseph Jencks, Esq. who gave permission to the Depty. Govr. to call the Assembly particularly on this affair, the Councillors aforesaid then present. The Assembly *etc.* finding the copies the complainants obtain'd of the Secretary were loose papers and never recd. in the Assembly as record, except the Rit for emitting £60,000, did unanimously order said copies to be cancel'd, which original copies were not directed to this Government, but were brought by a private hand and not authentic, and before the Seal is affixed to any papers relating to the Colony, it is the custom to have consent of some of the Council except Commissions for Officers, which we have particular acts for; and the late Governor's dissent from the act from the last Bank in 1731 was voted illegal by the General Assembly, the same being enter'd the day after the adjournment of that session, as appears by the records of said Court; also his petition presented to his Majesty by Mr. Thomas Sandford relating to the complainants affairs is revok'd by a letter under his hand to said Mr. Sandford; and likewise the transactions of the Secretary in affixing the Colony Seal to papers not accepted by the Assembly is illegal and contrary to the practice of his predecessors in said office ever since this has been a Government.

(3, 4) The acts and proceedings of this Government are in conformity with the Charter and not repugnant to laws of Great Britain on H.M. prerogative *etc.*, and by no means elude the Proclamation and Act for *ascertaining the rates of foreign coins etc.*, but was more strictly observed by this longer than any of the adjacent Governments, till it became a practice to clip and engross the then currt. silver money and to export it to the neighbouring Governmt. of New York, where it pass'd currt. by tale. Which with the expeditions aforesaid, and the encrease in European goods occasion'd so great a scarcity of money and oblidged us as well as the other Governments to make a paper currency for a medium trade, and 'tis now the unhappy circumstances of the Government that so long as we have no produce in the Colony nor any commodities to ballance the vast sums of money due from this country to the British merchants *etc.* saving only a small proportion of goods, as bone, oyle, tarr *etc.*, which with all the silver money imported is immediately exported to England to pay our debts, and with great submission after a long experience we find it impossible to support trade without a medium of their currey. (5) There was never any such order as they set forth sent to the late Honble. Govr., Govr. Cranston and Company came to hand, nor was it ever the practice of this government to send their laws home for H.M. royal approbation thereon. But the



1736. [369 i.]

same were in force here as soon as proclaim'd and presum'd always to be agreeable with our Charter. (6) We likewise humble conceive that the instruction given to H.E. Jonathan Belcher, Esq. Govr. of the Massachusetts Bay relating to the limitation of their currey. does no way reach and affect this Governmt. being separte and distinct from that. (7) The several acts for continuing the payment of our mony was agreeable to the state of the country and to the satisfaction of the inhabitants in general, and we can't perceive it has sunk in value by the last emission, silver mony being then sold for 20s. per oz. now for 18s. 6d., and most of the commodities vendible here are fall'n in proportion. If there should be an order for paying the mony according to the first acts upon which the several Banks were emitted, it will make great confusion and be of very ill consequence to the inhabitants. And our happy priviledges which we have enjoy'd near seventy years under H.M. and his Royal predecessors we conceive will not be eclips'd by so small a number as eighteen unreasonable and dissatisfied men, some of whom have been in the practice for many years past of exacting exorbitant interest at the rate of ten and fifteen p. cent, which is a grievous oppression to the inhabitants (notwithstanding the cares of the Government to suppress it) and likewise the bane of trade and directly contrary to the Act of Parliament; From all which it is very evident that the complainants have no other view but to enhance their estates by the ruin of their country. *Copy. 4 pp. [C.O. 5, 1268. ff. 249-252 v.].*

July 30. **370.** Mr. Wilks to Mr. Popple. Has never been sent any  
Austin Fryers. account of the paper currency from Connecticut. *Continues:—*  
I only know that it passes promiscuously wth. the Massachusetts  
bills of creditt, and is at the same discount in proportion to  
sterling money, wch. is abt. £520 for £100 sterl. *etc. Signed,*  
Fra. Wilks. *Endorsed,* Recd. 2nd Feb. 173 $\frac{6}{7}$ . 1 p. [*C.O. 5,*  
1268. *ff. 253, 256 v.*].

Aug. 5. **371.** James Logan, President of the Council of Pennsylvania,  
Philadelphia. to the Council of Trade and Plantations. It having pleased  
God this morning to remove by death the Honble. Patrick Gordon,  
Esq., Deputy Governor, *etc.* I am, in pursuance of the Act of  
Assembly for the further securing the administration *etc.*, to notify  
the same to your Lordships, and that thereby for the present  
the administration devolves on me as President of the Council  
joyntly with that Board *etc.* Will discharge this trust, with his  
brethren, with the utmost fidelity to His Majesty *etc. Signed,*  
James Logan. *Endorsed,* Recd. 13th Oct., 1736, Read 13 Jan.,  
173 $\frac{6}{7}$ . 1 p. [*C.O. 5, 1268. ff. 245, 248 v.*].

1736.

Aug. 5. **372.** Same to Duke of Newcastle. Duplicate of preceding, Philadelphia. *mutatis mutandis. Signed, James Logan. Endorsed, R. 13th Oct. 1 p. [C.O. 5, 1234. No. 15].*

Aug. 5.  
Whitehall.

**373.** Council of Trade and Plantations to the Committee of the Privy Council. We have considered the humble petitions of the President and Council, the speaker and several members of the Assembly of H.M. Province of New Jersey, of the Grand Jury of the said Province, and of Mr. Richard Patridge, Agent for New Jersey, together with two other papers annexed to the last mentioned Petition, all of them referr'd to us by your Lordships on the 24th day of May last, humbly praying, for the reasons therein contain'd, that when H.M. shall nominate a Govr. for the Province of New York, the Province of New Jersey may not be included in his Commission, but that H.M. would be graciously pleased to appoint a separate Govr. for the said Province of New Jersey. We have considered the reasons given by the Petitioners for this separation, and upon the best information we have been able to procure, we take leave to acquaint your Lordships, that the allegations of these several petitions appear to be of great consequence; and we cannot doubt but that a separate Governor whom the Province is willing to support, would be a means to give a quicker dispatch to their publick affairs; to encrease their trade and number of people, and very much advance the general interest of the Province, wherefore we are humbly of opinion that H.M. may be graciously pleased to comply with the prayer of these Petitioners. [C.O. 5, 996. pp. 390, 391].

Aug. 5.  
Whitehall.

**374.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose accounts of incidental charges of the office, Lady Day to Midsummer, and request payment of quarter's salaries then due. *v. Journal. [C.O. 389, 37. pp. 373, 374.].*

Aug. 5.  
Boston.

**375.** Governor Belcher to the Duke of Newcastle. *Encloses following account of Conference with the Penobscot Indians. Continues:—*I think they went away satisfy'd in the justice of this Government and which I hope will tend to establish and lengthen out the good peace subsisting between H.M. subjects of this Province, and those Indians. The presents given them consisted in blankets, hats, guns, powder, and shot, to the value of about £35 sterling. *Signed, J. Belcher. Endorsed, R. October. 2 pp. Enclosed:*

**375. i.** Penobscot Indians' letter to the Governour. St. George's, April 10, 1736. *See July 22. Encl. i. Same terms but differing date.*

**375. ii.** (a) Contract from Minutes of Council of the Massachusetts Bay, May 17, 1736. The Governor having communicated *preceding*, the Council advised that H.E. should give orders to Capt. Gyles to acquaint the Indians that he should be glad to see some of their tribe at Baslon



1736. [375 ii.]

in June, and that Capt. Gyles and Mr. Seacomb attend them.

(b) Governor Belcher's letter to the Penobscots, Boston. May 18, 1736. *Reply to No. i. Abstract.* Does not think it unnecessary that some of them should come to Boston, when they judge they have anything material to lay before him, and takes it very well that they have let him hear from them on those important points. They may entirely depend on his strict observance of the articles of Peace *etc.* Will be glad to see a number of their Chiefs, as delegates with ample power on behalf of the Tribe, "at Sanders's next return, to whom I have given orders to entertain you very kindly" *etc.* Signed, Your very good friend and brother, J. Belcher. *Copy.*

(c) Governor Belcher's Message to the Council and Representatives, June 23. Announces arrival of the Indian Chiefs on 21st. and desires the assistance of both Houses to confer with them.

(d) June 25, 1736. At a Conference in the Council Chamber, Boston, between Governor Belcher and Arexis and Delegates of the Penobscot Tribe of Indians, the whole General Court being present, the Chiefs saluted the Governor, and expressed their joy at seeing him. The Governor invited them to use all freedom of speech in stating their complaints. Arexis explained that he was appointed to speak as Chief man of the Delegates, but as his throat was sore, he deputed Bemmorawadd (Capt. Jobe), who then enumerated their grievances:—(1) The people's settling at St. Georges, they crowd nearer to us, than what was proposed by us, and Mr. Waldo, at which we are very uneasy *etc.*, Desire H.E. to put a stop to it, as in No. i. (2) The trade at the Truckhouse we like well, it is what was at first agreed on that it should be kept open and free for every one. But to put a stop to trade everywhere excepting at the truck house will cause an uneasiness to us till the same openness and freedom of trade is restored to us as it was first agreed on, the new law which was made the other day.

(3) The truckmaster tells us our beaver is not of full price notwithstanding it is taken in cold weather (out of ice and snow) and will allow us but the price of fall beaver when other traders allow us full price with the spring beaver and this is the price allowed by all traders everywhere else and we are allowed no more than fall beaver price till late in the winter or early in the spring by the truckmaster.

*Governour.* Now you are here, I would have you speak freely, especially as to the settlement at Georges, and let me know what line of settlement you have proposed and with whom.

1736 [375 ii.]

*Indian.* We are easy the English should come to the floating water at the falls ; this we are content with, but not so as to affect the title of land, for we cant be content with any settlements further than the falls ; we are willing the sawmill should remain, and the house with a good family in it, and also an house to take care of the grist mill when built, and that the ways from the truck house there should be kept clear, for if that settlement should be allowed, it will draw on war and bloodshed. It was with great difficulty that our old men at several meetings in Council could at last prevail on the younger sort to agree to the settlement of the English on the main river as high as the falls.

*Governour.* With whom did you agree for the settlement there ? You had no order from me or agreement for the settlement. What private agreement had you ?

*Indian Speaker.* Mr. Waldo was down there, it was with him. When we first saw him in the spring, he told us he purchased the lands of Medockawando and came to settle them. We told him we did not know who he purchased our lands of. Mr. Waldo said we knew he had purchased them of Medockawando but that we did not care to own it. We said we would not have him make settlements on the land till the Captain General knew it and approved it. We had no opportunity of informing your Excellency else we should have wrote.

*Governour.* Did not Mr. Waldo show you a deed ?

*Indian Speaker.* Mr. Waldo said he had no regard to English or Indians. He said he had purchased the lands and would settle them. He did not read any deed, but showed us a paper with a large seal to it and said that was his title.

*Governour.* Who did Mr. Waldo say sold him the lands ?

*Indian Speaker.* He shewed us a great many papers ; one he said came from England, another he said was from Medockawando. When he told us of Medockawando's deed, we said we had made diligent search and enquiry and we could not find any right or title Medockawando ever had to the land at St. Georges. The nearest he was to us was Mechias or St. Johns. We told Mr. Waldo if Medockawando had any right or title, it must have been known to some of us and not kept from us close hid, under the armpit, and the consideration of the purchase must have been discovered by some of the Penobscot tribe. Mr. Waldo enquired who we should like best for our neighbours, English or Irish. We said English for tho sometimes we fell out as boys do at play, yet afterwards we were reconciled and got friends again. But as to foreign men we were not acquainted with their manners and did not know their customs.

*Salutations.* The delegates withdrew.



1736. [375 ii.]

(e) In Council, June 25, 1736. Appointment of a joint Committee with the House of Representatives to examine Mr. Samuel Waldo and advise the Governor as to his reply to the Indians. Sent down for concurrence, J. Willard, Secy. In the House of Representatives, June 25, 1736. Read and concurred and members appointed to the Committee. J. Quincy, Speaker.

(f) The Committee find that in the year 1629 a grant was made by the Council established at Plymouth to John Beauchamp and Thomas Leveret (under whom Mr. Waldo claims) of a large tract of land in the Eastern Countrey which includes the lands on each side of Georges River. In the year 1694 Sr. William Phipps purchased in his own name of Medocowando (who calls himself Sagamore of Penobscot) the lands on each side of Georges River up sd. river to the upper Falls which lands are part of what was by the Council of Plymouth granted to said Beauchamp and Leveret. Medocowando signed Articles of Submission etc. entered into by a certain number of eastern Indians at a Treaty with Sr. William Phipps in the year 1693 which Indians in sd. treaty are said to belong to the rivers of Penobscot, Kenebeck, Saco and Amariscoggen; yet the Indians at several treaties with the Government since the year 1725 have constantly denied Medocowando's being of the Penobscot Tribe to whom they say the lands on Georges river do belong—and it does not appear that there have been any concessions on the part of the Penobscot Tribe that settlements might be made on the said lands until the late Conference with the Governour in the Council chamber, in which they did express their consent that they should be made as far up the River as the falls or flowing water.

Buildings were first erected there about 1720 when a block house was built some miles up said river by some private persons and afterwards was put into the hands of the Government who have since maintained same.

It appears from His Majesty's Order in Council on the petitions of Sir Bibe Lake and others and of Samuel Waldo and others that David Dunbar, Esq., was ordered to withdraw from Pemaquid and the lands adjoining, the jurisdiction and property of those lands having been granted to His Majesty's Province of the Massachusetts Bay &c.; but it does not appear that His Majesty did consider the right of this Government or of any particular person claiming the property of the lands in the Eastern Countrey in opposition to the Indian right, but only in opposition to the claim of the Crown.

Upon the whole there has nothing appeared to the Committee sufficient to justify Mr. Waldo in the settlment. of the lands above the falls or flowing of the water in Georges river. Propose that the Council and House of

1736. [375 ii.]

Representatives advise His Excellency to assure the Penobscot Tribe that this Government will not countenance Mr. Waldo or others settling above the falls until the Government shall be satisfied that those lands have been fairly purchased of such Indians as were the rightful owners thereof.

As to the complaint of the said Delegates relating to the restriction of Trade occasioned by the new Law for preventing of abuses to the said Indians therein, the Committee are of opinion, That the Governour be advised to let them know that the Law was projected to prevent their being cheated or imposed on by private Traders and that the Government make no doubt but that it will be found beneficial to them, but if it should be found otherwise by further experience, they may expect to be relieved.

As to the complaint relating to their being imposed on by the Truckmaster at Georges, against whom only they complain about the price of Beaver, the Committee propose, That the Governour be desired to let them know that special directions shall be given to the said Truckmaster to allow them the full price for Beaver for the future. *Signed*, In the name and per order of the Committee, Edmund Quincy.

(g) In Council, July 2nd, 1736. Concurrence in Report. *Signed*, Simon Frost, Depty. Secry. In the House of Representatives, July 3rd, 1736. Concurrence. *Signed*, J. Quincy, Speaker.

(h) Governour's Message to the Representatives. Proposes to see the Indian Delegates before the whole Court and believes that when suitable presents are made them, they will return well satisfied. July 5th, 1736. *Signed*, J. Belcher.

(i) At a Conference in the Council Chamber in Boston between Governour Belcher and Arexis and Delegates of the Penobscot Indians. The whole General Court being present, July 6th, 1736. Governour makes promises as in the foregoing report. The present of the Government brought out and his Excellency ordered the present to be delivered, and said it was from the Government, there being three hats with feathers. The Government told them that was to distinguish those three who were King George's officers.

August 2nd, 1736. The several foregoing papers are a true copy. Examined per Simon Frost, Dep. Secry. *Endorsed*, Account of Conferences with the Penobscot Indians. In Governor Belcher's of Aug. 5th, 1736. [C.O. 5, 899. ff. 241, 241 v., 244-254 v., 256 v.]

Aug. 6. **376.** Lt. Governor Broughton to the Council of Trade and Charles Town. Plantations. By an humble representation which I did myself the honour to present to your Lordships, in the month of October



1736.

[376]

last I took the liberty to lay before your Lordships, for your judgment and direction, the complaints of several of H.M. subjects of this Province, merchants and traders to the Creek nation of Indians, exhibited to me in Council, accompanied with certain proofs and affidavits relating to the extraordinary behaviour and conduct of Captain Patrick MacKey, Agent for Indian affairs in Georgia, towards their agents and traders amongst the Creeks from this Province. I transmitted at the same time to your Lordships the purport of several letters, which I had received from the Governour of his Catholic Majesty from St. Augustine, and from the Commandant of Moville, on behalf of his most Christian Majesty, that your Lordships might be fully apprized of the very great umbrage Captain Mackey thro' his ill conduct had given to those Governours. When I address'd myself to your Lordships on this occasion I thought it but just to communicate an account of these proceedings to the Honble. the Trustees for Establishing the Colony of Georgia, who have since thought fit to dismiss Captain Mackey from their service and have been pleased to signify by their letter to me, their good disposition to continue the harmony and good agreement which has hitherto subsisted between the two Colonys, and at the same time to declare, "That they had no thoughts of claiming a right exclusive of all other H.M. subjects to trade with the Indians within the limits of Georgia." After the Honble. Trustees had so fully signified their good intentions to this Province, as I was perfectly well satisfied myself, so I was in hopes there would be no future cause of complaint, or that I should ever more had occasion to have troubled your Lordships on this subject. But it is with very great concern my Lords, that I find myself obliged to acquaint your Lordships, that the conduct of the gentlemen who are in the exercise of power at Georgia, have given occasion for a further complaint of new and additional hardships, sustained by the persons who exhibited the former Memorial, and by many others of H.M. principal trading subjects in this Province who have applied as well on behalf of themselves as their correspondents merchants and traders in Great Britain. When the dismissal of Captain Mackey was made known and the letters which I had received from the Trustees were communicated to the Assembly and made public, the traders in confidence of the declaration made by the Trustees thought themselves at liberty to pursue their affairs amongst the Indians and whilst they acted in conformity to the laws of Great Britain, and of this Province, (by which laws only they conceive the people of this Province are oblig'd) they could not reasonably expect any interruption. But finding themselves disappointed, their vessels stop'd, their goods seiz'd and their servants imprison'd by the magistrates of Georgia, and not being able to obtain satisfaction from them, they have found themselves under a necessity to apply to the General Assembly of this Province, by a Memorial which will be laid before your Lordships, beseeching the Assembly, to represent their case to his most Sacred Majesty and to become intercessors

1736.

[376]

for them. The Council and Assembly have went through a very strict and diligent examination of the matters alledged and being well satisfied of the truth and justice of their complaints, have transmitted to Great Britain an humble Petition and representation to H.M. and have implored H.M. protection and relief. The several facts which have been the foundation of the complaints of the merchants and traders, and the sense which the Council and Assembly of this Province have entertained of the proceedings of the persons in power at Georgia are fully explained in the Petition of the Council and Assembly to H.M. which I humbly conceive, will in the usual manner be refered to your Lordships' Board, and therefore I apprehend your Lordships will very naturally and justly expect it, as a duty incumbent on me, to lay before your Lordships some account of the proceedings which have been had on this affair. As to the facts which are alledged in the Petition to H.M., I presume the proof of them will come before your Lordships in another way, and therefore I shall only crave the liberty to give your Lordships a short view of what I apprehend to be the principal matters in difference between the two Colonys and to submit to your Lordships such observations as have occur'd to me during the course of this proceeding. The complaints which are made the subject of the petition to H.M. consist of several particulars which I have endeavour'd to separate and distinguish that I may the better apply the remarks which are humbly offer'd to your Lordships' consideration. It is complained that the persons in power at Georgia taking for their authority an Act passed by the Honble. Trustees intituled an Act *for maintaining the peace with ye Indians in the Province of Georgia* do among other things claim the sole power of granting licences to trade with the Indians that lye within the limits of Georgia, or with such Indians as are to the southward of those limits, and insist on a right to seize the goods and effects and to imprison any person whatsoever, who shall presume to trade with the Indians, or shall travel thro' Georgia with goods for that purpose, without licence from the Magistrates of Georgia. Your Lordships will easily perceive the extent of this claim and that it is not consistent with the declaration the Honble. Trustees have been pleased to make, in the letter which I before have mentioned to your Lordships, vizt. "That they have no thoughts of claiming an exclusive right to the trade with the Indians." For if the magistrates of Georgia have the sole power to grant licences, they have a right to judge of the qualification and fitness of the persons to be licenced and consequently may refuse to grant licences to such persons as they shall think fit, which is virtually and in effect an exclusion of any person whatsoever, at their will and pleasure from a liberty to trade with the Indians. The Assembly pay all imaginable deference to an Act which has receiv'd H.M. Royal approbation. But they cannot conceive that an act pass'd by the Trustees of Georgia, and confirmed by H.M., can receive a different construction or be of any greater force and effect, than an other act passed in any other of the



1736.

[376]

American Colonys, by virtue of an authority derived from the Crown and which has received H.M. allowance. 'Tis conceived that every such act is obligatory on the people of the Colony for which it was made, but not on the people of another Colony, who are no partys to the same. It is also humbly conceived, that when H.M. confirmed the Act of the Trustees, he only intended that it should be a rule to such persons as trade from Georgia, but that his subjects in the rest of the Colonys, were left to the regulation of the particular laws made for them within the respective jurisdictions which H.M. has assigned them. If there was a necessity for making a distinction between the power granted to the Trustees of Georgia to make laws, and the like authority which H.M. has given to the Governour and Council with the consent of the Freemen of this Province, it might be justly observed, that the Acts of the Trustees have not the force of laws until H.M. has confirmed them, but the Acts of the General Assembly of this Province are binding from the time of passing, and H.M. has only been pleased to reserve to himself a power of disallowance.

From some instances which I shall beg the liberty to mention to your Lordships, the Assembly have been encouraged to think that H.M. did not intend by giving his assent to the Act of the Trustees of Georgia or by any other act, to restrain the subjects of any part of H.M. Dominions from trading with any nation of Indians whatsoever on the Continent of North America. They conceive the Indians to be a free and independent people, who have neither by conquest, cession, or compact, become the subjects of any Prince in Europe. They sometimes trafique with the subjects of France and Spain, but chiefly with those of Great Britain. The Treaty of Peace and Commerce which was enter'd into by H.M. Command with the Charokee Indians at your Lordships' Board in the year 1730, confirms the Assembly in the opinion, that H.M. by commanding a Treaty and League to be made with the Indians, esteemed them the friends and allies of his people in America, and not as subjects to the Crown of Great Britain, and I humbly beg leave to offer to your Lordships' remembrance that her late Majesty Queen Anne was pleased to disallow an act which had been passed in this Province, to oblige the people of Virginia to take licences from this Government to trade with the Charokee Indians, who then were and still are seated within the limits of the Charter granted to the late Lords Proprietors of Carolina. Her said late Majesty, as 'tis humbly apprehended and as we have been informed, judging that it was inconsistent with the liberty of her trading subjects to be restrained by an act of any particular colony in America, from trading with an independent people, in friendship with the Crown of Great Britain, and who were in the full possession of all natural rights. Your Lordships will very readily perceive what influence this example must have on the minds of the people here, and in what light they must look on the act of the Trustees, when 'tis fresh in their memory, that an Act of the same nature, and directly the present case, met with the

1736.

[376]

disapprobation of her late Majesty on the very first application from her subjects in America. The General Assembly of this Province acknowledge, with the gentlemen who have the care of Georgia, that the interest and safety of both Colonys depend in a great measure on a due regulation of the Indian affairs and they have been always ready by a junction of Councils, to promote the common security, but they apprehend it to be inconsistent with the freedom of English men, to receive laws from the Trustees of Georgia made without their participation or consent, and they have the less reason so to do, as 'tis acknowledged by the gentleman who has at present the chief direction of affairs at Georgia, in a letter to the Speaker of our Assembly, that the Act which the Honble. Trustees have made concerning the Indian affairs, "is the same in Georgia as the former Indian Acts were in Carolina." The Acts made in Carolina are still subsisting and in full force: they are made by an authority derived from the same fountain of power with which the Act made for Georgia; and 'tis allowed the regulations are the same. But the Assembly are far from thinking that the people of Georgia are obliged to submit to the laws of this Province, any more than that it is reasonable for them to expect that the laws of the Trustees shall take place here. The General Assembly of this Province alledge, that as they have a power of making laws, as well as the Trustees of Georgia, so they hope that without vanity or assuming too much to themselves or detracting from the sufficiency of others, they are (under H.M. favour and protection) proper and competent judges of their own security, and that from the experience of seventy years, they may be presumed to be at least equally capable with those who reside at Georgia, and who have had so short an acquaintance with America to manage and direct the affairs of the Indians; nor can it be doubted but that it is as much their interest to secure themselves, since they are in possession of valuable propertys, acquired by the labour and industry of many years, and defended at their own charge, during a tedious and cruel war, at the expence of the lives of many of H.M. loyal and brave subjects. The people of South Carolina have exerted their utmost ability towards the assistance and encouragement of the Colony of Georgia, and they have the most ardent wishes that the people there may flourish and prosper. They are neither ignorant or unmindful of the strength and security which that settlement may be to the frontiers of H.M. Dominions in North America, but whilst they are solicitous for the property of this Colony, and acknowledge the advantages which may arise from her success, they think they shall pay a tribute too dear if they are to forfeit the benefits derived from H.M. just and glorious administration and from a constitution which H.M. has been ever zealous to maintain by being obliged to submit to the laws of a Society, of which they are not members, and to whom in their corporate capacity they have no sort of relation. I am aware that the gentlemen of Georgia object that their act has a local as well as personal obligation, and that the laws of Georgia must be observed



1736.

[376]

within the limits of Georgia. In answer to this objection the following questions have been raised, vizt. whether the act of the Trustees can bind a free and independent people who live within the limits of their Charter or can obstruct the subjects of any other Colony, from a free and open trade with them? Or whether any of H.M. subjects, can be restrained by an Act made by the Trustees of Georgia, tho' confirmed by H.M., from carrying their goods thro' Georgia, to any nation of Indians which lye beyond them, or whether such a restraint can be laid by any other authority than that of the Parliament of Great Britain? These questions, my Lords, have been debated with great freedom here, and therefore I thought it my duty to make your Lordships acquainted with them. They are of too nice a consideration for me to enter into; it is a presumption I have carefully avoided, but I hope it will be satisfactory to your Lordships that since such questions have been ask'd amongst us, that they should be submitted to your Lordships' examination, that if there be any error on either side, the people may be undeceived and the quiet of the Province settled. There is one circumstance, which if it was consistent with my duty I should be glad to pass over. It has greatly inflamed men's minds and I have too much reason to dread the consequence. The gentlemen in power at Georgia have sent an armed force amongst the Charokee Indians to seize the traders with their effects who are licenced in pursuance of the laws of this Province to trade with that nation of Indians. What may be the event of so sanguine a proceeding amongst the savages at 300 miles distance from the inhabited parts of Georgia, or this Province, I can't foresee, but have too much reason to fear. It is thought very extraordinary, that an arm'd force should be sent before any resistance, before any legal process or stated method of proceeding. Besides the umbrage such a step may give to the Indians, the people of this Province will think themselves in a very precarious situation, if they may at any time be invaded by a military force, at the arbitrary will and pleasure of the magistrates of Georgia, or those who have the direction of them. I am persuaded your Lordships will not expect that I should make any further remarks on this proceeding. If the Indians are provoked, they make no distinction amongst English men; this Province must share with Georgia in the effects of their revenge. With your Lordships' permission I proceed to take notice of another part of the complaint which creates an equal uneasiness in the minds of the people of this Province. H.M. has a garrison settled about three hundred miles by water from the entrance on the North side of Savannah River, maintained for many years at the sole charge of this Province. By H.M. command a township has been lately settled on the same side of the river, and there are about one hundred inhabitants who have already fix'd themselves there. They are a frontier to the township of Purysburgh also lately settled on the same side of the river, at the expence of upwards of thirty thousand pounds this money. And H.M. subjects of this Province have

1736. [376]

made several large plantations on the North side of the river. A commerce with these settlements cannot be conveniently carried on, without the use and navigation of the Savannah river; to which the inhabitants in these parts conceive they have an undoubted right. But it will be made appear to your Lordships by several authentic proofs that under colour of an Act pass'd by the Trustees of Georgia and allowed by H.M. intituled an Act *to prevent the importation of rum into Georgia*, the magistrates of Georgia have caused several vessels bound to H.M. Garrison and the plantations and settlements on the North side of the river to be stop'd, the bales of goods and packages to be opened, the persons of the boatmen with their boats and effects to be detained and several quantities of rum to be staved, alledging for cause that they had imported rum into Georgia contrary to the aforementioned Act. This matter was represented to Mr. Oglethorpe and he has been pleased to direct Mr. Causton one of the chief magistrates to make a report of the affair, which report has been sent hither and will be laid before your Lordships. And this is all the satisfaction that has been hitherto given. I humbly conceive that this report will hardly bear a strict examination. I shall content myself with observing to your Lordships that according to Mr. Causton's own account of the affair, the boats stop'd "were bound to Savannah Town in the Province of South Carolina with goods to be landed there for Indian trade, and that amongst other things there were several casks of rum, and 'tis added that they had a permit from the Governour of South Carolina." This is all that appears either from the report of the officer who seized or from the confession of the partys. Mr. Causton thinks fit to add an allegation of his own "that Shepherd and Vernardo (the boatmen) had knowingly and in opposition to the Act, imported rum or some such distill'd liquor for Indian trade or otherwise in violation thereof." It will be very obvious to your Lordships that Mr. Causton's assertion is by no means supported by the fact related. For to carry rum by the Savannah River to Savannah Town in South Carolina for Indian trade or any other purpose whatsoever can never be called importing rum into Georgia. Upon perusal of the Charter of Georgia, your Lordships will perceive that H.M. has granted "all the Lands and Territories which lye from the most northern stream of the Savanna River all along the sea coast to the southward into the most southern stream of Allatomaha River and all that square circuit and precinct of land within the boundary afd. and ca." Now it is humbly apprehended that the northern stream of Savanna river from which one of the boundarys of Georgia is settled cannot be said to be within the boundarys of Georgia, and consequently that goods passing along the Savanna river to places lying on the northern shore can never be deemed an importation into Georgia. But if it was to be allowed that the Savanna river was granted to the Trustees of Georgia, it will be offered to your Lordships' consideration whether there is not a known distinction between the property and passage of a navigable river? and whether



1736.

[376]

all navigable rivers within H.M. Dominions are not free and open to the passage of all his subjects in the same manner as are the King's highways, altho' the soil may be the property of a private person? The permit or let pass on which Mr. Causton seems to have grounded his suspicions, it is true, was in general terms, and was given on purpose and on this very occasion, to prevent interruption on any pretence whatsoever; for the subjects of this Province whilst they are passing from one part of the Province to another think they have no need of a particular permission. And your Lordships will be pleased to determine whether this let pass could justify Mr. Causton in his suspicions that the bearers were about to import rum into Georgia, when the let pass expressly declared that their goods were to be landed at Savannah Town on the north side of the river within the Province of South Carolina to which the boats and goods did actually belong, and when it was not objected or so much as suspected that there was any intention of landing the rum on the opposite shore. I am fully persuaded your Lordships will never be of opinion that the propertys of H.M. subjects are to be seized and confiscated upon the suspicions or uncertain surmises of any person whatsoever. To prevent mistakes in point of scituation, before I conclude, I hope it will not be thought impertinent if I acquaint your Lordships in this place that there are two places on the Savanna river known by the same name. Savanna Town in Georgia is on the south side of Savanna river about twelve miles from the entrance. There is another place called Savanna Town where H.M. Garrison is settled on the north side of the river about one hundred and fifty miles from Charles Town in South Carolina and about three hundred miles from the mouth of the river, and is now generally distinguished by the name of Old Savannah Town and is in South Carolina.

My Lords, I have now concluded the remarks which I have taken the liberty to lay before your Lordships. I have rather exhibited the opinions and observations of the Council Assembly and partys concerned, than given my own sense of things. I have been careful in the exercise of my private judgment concerning them because I have thought it my duty to wait H.M. commands and your Lordships' directions by which I am to be wholly guided and determined. It has been my chief study and attention to prevent all heat and passion which is too apt to break out in debates of this nature, and I must do justice to the Council and Assembly in assuring your Lordships that they have conducted matters with great respect to the Honble. Trustees of Georgia and with a due consideration of those who are in power there, but above all things have shewn their humble desire and most dutiful expectation of H.M. pleasure. After the declaration of the Honble. Trustees it is impossible to entertain an opinion so injurious to persons of their quality and distinction, as to imagine they have authorized or will countenance the proceedings of those who reside at Georgia. Altho' H.M. Royal name as well as the names of the Trustees have been very freely used to give a sanction to the violences which have been

1736.

[376]

complained of. The Council and Assembly have rather represented matters and treated with the gentlemen of Georgia than pursued any active measures in the defence of what they conceive to be their just rights, and even at this time whilst an armed force is gone from Georgia to seize the traders from this Province and their effects amongst the Indians, a Committee of the Council and Assembly are gone to Georgia to treat with Mr. Oglethorpe on the subject of these disputes. My Lords, I assume nothing to myself on this occasion. I have earnestly press'd and recommended the moderation which has been observed, because I knew 'twas my duty, and I humbly hope my sincere endeavours have had their due influence here, and will meet with H.M. approbation and your Lordships' countenance at home, and I am encouraged to think that nothing will more recommend the people of this Province to H.M. favour than their chearful and ready submission to his royal will and pleasure, which has ever been their constant inclination and endeavour, because they are firmly assured of H.M. gracious and steady purpose to defend and protect his subjects in every part of his Dominions, in the full and uninterrupted possession and exercise, of all the just rights, libertys and priviledges, which they are entituled to, by the laws and constitution under which they live. *Signed*, Tho. Broughton. *Endorsed*, Recd. Read 9th Nov., 1736. 16 pp. [C.O. 5, 365. (Including abstract) ff. 134-146 v., 147 v.].

Aug. 6.

**377.** Capt. Thomlinson to Mr. Popple. When I last wrote you, I could not tell you what money was out in the Colonie of Connecticut ; But since that time I have been with a gentleman of that Province, he tells me that they have about £100,000 out ; thirty or forty thousand of which are out upon interest to defray the charges of Government, *etc.* *Signed*, John Thomlinson. *Endorsed*, Recd. 6th Aug., Read — Feb., 173 $\frac{1}{2}$ . *Addressed*. *Postmark*. 1 p. [C.O. 5, 1268. ff. 246, 247 v.].

Aug. 10.  
Barbados.

**378.** President Dottin to the Duke of Newcastle. Having lately receiv'd an account from Capt. Crawford, of the observations he made at Sta. Lucia, where he touch'd in H.M.S. the *Roebuck* to wood and water, I have taken the liberty of enclosing your Grace the letter I caus'd to be wrote him on this subject with his answer thereto ; and must at the same time beg leave to inform you from, many accounts given me by persons who have been over the Island, that the French very much increase their settlements there, and what few English are thereon are only servants to the French, from whom they purchase, and who are look'd upon as their protectors, so that unless some other methods, and which your Grace is the best judge of, can be fallen upon to render the orders of the two Crowns more effectual, I fear what has been hitherto done, will be to no other purpose than to dispossess some few English subjects, who had made great improvements there, of the ballance they kept against the French, but which immediately on the orders being publish'd,



1736. [378]

they gave up, and left the others entire and sole masters thereof, the consequence of which may be hereafter of great disservice, *etc.* *Signed*, James Dottin. *Endorsed*, R. October. 2 pp. *Enclosed*,

378. i. William Duke to Capt. Crofford. Secretary's Office, July 19, 1736. *Abstract*. The Duke of Newcastle having required of the President a particular account from time to time how the orders for evacuating Sta. Lucia have been complied with, asks for a full report of his observations on his recent visit there. *Signed*, William Duke. *Copy*.

378. ii. Capt. Craufurd, R.N. to President Dottin. *Roebuck*. Barbados. July 24, 1736. *Abstract*. Was only at one part of Sta. Lucia, Pigeon Island Bay; was told the other parts were better inhabited, but at the part where he was, they reckoned fifteen or sixteen inhabitants who had cotton works, twelve of which were French, the others English, but their crops being most gather'd, he could not judge what quantities they made. At Martinique he waited on the General, Marquis de Champigny, who assured him he in no ways encouraged the French settling at Sta. Lucia and expected every moment order from his Court about the evacuation thereof. "This I thought as much as I could expect from him, since I had no power to ask further questions, I never having received any orders from my Lords Commissioners of the Admiralty in relation to St. Lucia." *Signed*, Charles Craufurd. *Copy*. Nos. i and ii, 1½ pp. [*C.O.* 28, 45. ff. 388, 388 v., 389-390 v.].

Aug. 11. **379.** Mr. Wilks to Mr. Popple. Encloses following. *Signed*, Austin Fryers. *Fra.* Wilks. *Endorsed*, Recd. 2nd Feb., 1738. *Addressed*. ¾ p. *Enclosed*,

379. i. Accounts (*by Mr. Willard, Secretary*) of bills of credit issued by the Massachusetts Bay, to be brought in 1732-41. 3 pp. [*C.O.* 5, 879. ff. 107, 108-109, 110 v.].

Aug. 12. **380.** Lt. Governor Gooch to the Council of Trade and Plantations. Encloses Speech *etc.* at opening of the General Assembly on the 6th inst. About the 10th of the next month the Commissioners for settling the boundaries of the Northern grant will begin their journey, *etc.*, as *July 10th*. *Signed*, Will. Gooch. *Endorsed*, Recd. 18th, Read 20th Oct., 1736. 1 p. *Enclosed*,

380. i. (a) Address of the Council of Virginia to Lt. Gov. Gooch. Gratefully acknowledge his affectionate speech to both Houses (*No.* iii), pursuing the same wise and just measures as have always distinguished his administration *etc.* Gratefully acknowledge His Majesty's kinder concern for his people, as shown by confirmation of recent acts *etc.*

1736. [380 i.]

(b) Lt. Gov. Gooch's reply to preceding, thanking the Council for their obliging address *etc.* *The whole printed.* 1½ pp.

380. ii. Address of the House of Burgesses to Lt. Gov. Gooch. To same effect as above. *Printed.* 2 pp.

380. iii. Lt. Governor Gooch's Speech to the Council and Assembly. Congratulates himself that he sees in the new Assembly a revival of the old one, which had "expressed so much duty to the King, and so much love to their country; such unanimity among themselves, and such deference and regard to me" *etc.* Recommends better regulation of the Militia for preventing insurrections of slaves and the easing of poor house-keepers who are unable to purchase arms for themselves; the extension of the duty on liquors to land-importation, to cope with the new practice of importing rum *etc.* by land carriage. Announces confirmation of Acts *for the better support of the College of William and Mary*, and amending act for *settling titles and bounds of lands etc.* While His Majesty's thoughts have been turned towards settling the tranquility of Europe, he never fails to have most at heart the welfare of his people *etc.* Let us therefore engage His Majesty farther to us, by all possible returns of gratitude and loyalty *etc.* *Printed.* 1½ pp. [C.O. 5, 1324. ff. 28, 29-31 v., 32 v.].

Aug. 16. **381.** Lt. Governor Broughton to the Council of Trade and Charles Town. Plantations. Since I did myself the honour to write to your Lordships of the affairs of Georgia, I have received some advices which I conceive to be of such importance that I ought to loose no time in making them known to your Lordships. Monsieur Bieuville, Governour of the French settlements at Moville assembled together the last winter a great number of forces white men, and Indians. He applied himself with much diligence to the repairing of the forts and building new ones, and in furnishing them with a large store of provisions. It was the common report at New Orleans all the last winter that France was to declare war against England in the spring, but a ship arriving in January last from Europe, news was brought that a General Peace was concluded. Monsieur Bieuville upon this advice, gave out that he had never any other design than to attack the Chickesaw Indians, a people who live about seven hundred miles from this place and are friends to the English. But the preparations, which were made, have the countenance of a much more extensive project, for the French on the Mississippi River were joined by great numbers from Canada at the head of the Ilinois, a considerable body of Indians. In March last one hundred and twenty five men under the command of Monsieur Piaget passed by the Fort of Pradhome, and in April the vanguard of the French army consisting of two hundred white men and four hundred Indians attacked the Chickesaws



1736. [381]

in their towns. They were repulsed with the loss of about forty white men, the Indians were driven home and several prisoners taken amongst whom was the Commander in Chief of the party said to be a relation of Monsieur Bieuville's. Your Lordships will not easily believe that so great an armament was rais'd barely for the sake of destroying a tribe of Indians which at the most do not consist of more than four or five hundred men. The French have settled a communication from Canada to the mouth of the Mississippi River, and we have too much reason to apprehend, from frequent attempts of this sort that they are endeavouring to destroy the Indians in friendship with the English, or to force them into their service during the time of peace, that they may be enabled whenever a war shall happen, to gain an easy passage and without interruption to attack any of the English settlements on this Continent, the consequence of which is humbly submitted to your Lordship's consideration. *Signed*, Tho. Broughton. *Endorsed*, Recd. 1st., Read 3rd. Nov., 1736. 2½ pp. [C.O. 5, 365. ff. 132-133 v.].

Aug. 23.

**382.** Galfridus Gray to Mr. Popple. Encloses following, "supposing you may have a friend that may want a Government, and the sooner a Governor may go to these islands the better" etc. "You may deliver all as your own thoughts." *Signed*, Galfridus Gray. *Endorsed*, Recd. Read 25th Aug., 1736. *Addressed*. 1 p. *Enclosed*,

382. i. The affair of the Virgin Islands considered in their very pressing conjuncture by a person very familiarly acquainted with them. *Abstract*. Knowing the islands well, is of opinion that if they were better known, more notice would be taken of them. Has often heard inhabitants of St. Thomas say that it belongs to Great Britain, and that they wish the King would take them under his protection, since he is able to protect them, which the King of Denmark is not. The Virgin Islands have many good harbours, and more inhabitants than Georgia etc. They only want a Governor to regulate things, and their produce would soon add as much to the revenue as would defray the cost. Thinks there are 200 British subjects on Sta. Cruz, said to be sold by France to Denmark. The next island for France to sell may be Jamaica! Because we so silently passed over the Sta. Lucia affair, the French think they may sell what they please in those countries. We ought to have both Sta. Cruz and St. Thomas. It not a little concerns us to take more care of those islands in order to preserve our merchants' ships in their way home from the Leeward Islands, etc. *Signed*, G. G. 1½ p. [C.O. 152, 22. ff. 68, 68 v., 70, 70 v.].

Sept. 2.

**383.** Lt.-Governor Gooch to Mr. Popple. Encloses following to be laid before the Board. *Signed*, William Gooch. *Endorsed*, Recd. 1st Nov., 1736, Read 3rd June, 1737. ½ p. *Enclosed*,

1736.

383. i. Account of H.M. revenue of 2s. per hhd. in Virginia, 25th Oct. 1735—25th April, 1736. Totals: *Receipts* (including £6152 9s. brought forward), £7198 5s. 0½d. *Expenditure*, £2206 0s. 5½d. *Signed*, John Grymes, Recr. General; John Blair, D. Audr., and William Gooch. 2 pp.
383. ii. Account of H.M. revenue of quit rents, 25th April, 1735—1736. Totals: *Receipts*, £9648 10s. 11½d. (including £5742 5s. 4d., brought forward). *Expenditure* £1284 18s. 11½d. *Signed as preceding*. 4 pp. [C.O. 5, 1324. ff. 51, 52–54 v., 56 v.].

Sept. 8.  
Annapolis  
Royall.

**384.** Lt. Gov. Armstrong to the Council of Trade and Plantations. I have received your Lordships' letters of the 18th September, 1735 and of the 7th May last; wherein you take notice of some omissions or obscurities in mine of the 27th September and the 8th Dec. last year. As most of the passages relate to Canso, I must reffer your Lordships to the Commanding Officer's report whom I shall direct to send you an account of the duties payable there, what ships are employed on that fishery, to whom they belong and the number of the English inhabitants. As to the effective men belonging to the regiment, here are in this Province nine companys and one at Placentia; we endeavour to keep them up to ye establishment as near as we can, they were compleat last fall and we have had but small loss since. The encouragement I published at Boston which your Lordships desire to be inform'd of, was only this, I intimated to the people there, that I intended to be at Canso myself the following summer in order to settle the rights of the traders according to their just pretensions and to grant away the inappropriated lands to such as were disposed to settle there and to accept of them on the terms of H.M. Instructions. As to what your Lordships mention, that, in my letter of the 8th of December, I told you that there's no trade carried on at Canso, I do not remember I ever said so and reffer myself to that letter for my vindication. As to the Indian presents, the state of Canso and the necessity there is of erecting a fort there for the protection of the fishery, I can add nothing to what I have largely wrote before; I am convinced that your Lordships will do everything in your power for the good of the Province and H.M. service. I have nothing new to trouble your Lordships with only to acquaint you that I've sworn in the Commissary of the Musters at Canso a member of H.M. Council. He is a gentleman who has deserved well of the Government, and likewise that I have granted two patents for the lands and mines up the Bay of Fundy to some gentlemen who I hope will answer H.M. intensions, for further light I beg I may reffer to the minutes of Council and Patents herewith transmitted. PS.—Mr. How, the gentleman who brings this, having resided long at Canso, will give your Lordships a just acct. of the state thereof. *Signed*, L. Armstrong. *Endorsed*, Recd. 4th Jan., Read 7th Sept., 1737. 2 pp. *Enclosed*,



1736.

384. i. Grant of lands and mines in the Bay of Fundy, containing some 50,000 acres, "on the south side of Chicconecto Bason" in 36 shares jointly and severally to the following:—Governor Philipps, Lt. Gov. Armstrong, and Lt. Governor Alexander Cosby, Paul Mascarene, John Adams, William Skene, William Shirreff, Henry Cope, Erasmus James Philipps, Otho Hamilton and Edward How, members of H.M. Council; and King Gould, Alured Popple, Henry Popple, Andrew Robinson, Henry Daniel, John Handfield, Donald Macqueen, Edward Amhurst, Archibald Rennie, Thomas Armstrong, James Gibson, Rowland Philipps, Charles Vane, Samuel Cottnam, John Hamilton, John Slater, John Dyson, George Mitchell, William Winniett, Nathaniel Donnell, Peter Blin, George Craddock, Robert Baden, and John Forrest. *1d.* sterl. Annual quit rent beginning 30th Aug., 1739.  $\frac{1}{10}$ th part to be cultivated every 3 years. Good tenantable houses to be built in a township to be called Norwich. All timber fit for masts to be reserved for H.M. use. Land to be allowed for permanent support of a Minister and Schoolmaster. A continued space of land 100 yds. wide on the banks of all creekes and rivers to be left free and common to the public *etc.* *Signed*, L. Armstrong, by and with the advice of the Council. *Endorsed as covering letter.* 30th Aug., 1736. *Copy.*  $5\frac{1}{2}$  pp.

384. ii. Similar grant of 50,000 acres "on the south side of the Bason of Menis" to same as preceding, except that Samuel Donnell is named in place of John Forrest. The township to be called Harrington. 31st Aug., 1736. *Signed as preceding.* *Endorsed*, Recd. 4th Jan., 1737. *Copy.*  $4\frac{3}{4}$  pp. [*C.O.* 217, 8. *ff.* 1–7 v., 8 v., 9 v.].

Sept. 16.  
Antigua.

**385.** Governor Mathew to Mr. Popple. By the death of John Roynon Esq., and the absence of Nath. Webb Esq., there was not even a quorum of Council at Montserat. I have therefore been forced to swear two members, vizt., John Osborn and John Webb Esqs. And now by the death of my son William Mathew, there is a vacancy in the Council of St. Christophers. I send by Capt. Solomon Phipps, and to be delivered by himself, a box and in it minutes of the Council of Nevis, 29th March, 1736 to 29 June foll., of Antigua from 16 Janry. to 16 April, 1736 *etc.* *Signed*, William Mathew. *Endorsed*, Recd. 8th Nov., 1736, Read 4th Aug., 1737. *Holograph.* 1 p. [*C.O.* 152, 23. *ff.* 3, 4 v.].

Sept. 18.  
New York.

**386.** President Clarke to the Duke of Newcastle. I humbly beg leave to inform your Grace that on the 14th instant about eighteen or nineteen of the Assembly coming to town on my adjournment met in the House, but would not put the Speaker in the Chair; after some discourse they sent two of their members to me desiring a copy of the clauses in the Commission and

1736. [386]

Instructions relating to the suspension of Councillors, I sent them to them, and then adjourned them to the next day ; by that time they made up two and twenty of the seven and twenty of which the House is composed, and having debated the matter for some time, the Speaker not being in the Chair young Morris thinking he might carry away so many as would reduce the rest to a minority, as he did in the Spring, rose up and made a feint to be gone and three or four following his example called to some others to go with them, but all the rest keeping their seats Morris and those who rose with him returned, and then the majority agreed to send the Speaker and another of their members to me desiring me to adjourn them to the second tuesday in October, they assured me it would have a good effect and I complied. I do myself the honor to send to your Grace the papers which came out at this time wherein the malcontents' objections to the legality of Van Dam's suspension and my administration are stated and answered ; I was in hopes to have had the honor to receive from your Grace H.M. approbation of Van Dam's suspension which would have put an end to the faction. I am not without great hopes that the Assembly will sit in October and I promise myself success in their proceedings as to the making good the deficiencies of the Revenue. If your Grace will be pleased to give yourself the trouble to read the inclosed papers printed by Zanger and a copy of a manuscript certified by the Mayor you will see to what a height of villany they are arrived, and yet they do not pretend any other cause, then that I have usurped the administration of the Government ; and it is no small satisfaction to me that I have given them no other cause of complaint, nor has there been since the Spring, when the Assembly was to meet, the least stirr or noise about the town till now, when they were about to meet again ; all their strength is bent to keep them from sitting as the only thing left them to keep up the appearance of discontent, and to distress the Government, but I hope they will fail of their expectations, and then I shall be able to give your Grace a good account of the province. I have been obliged to say something in those papers, wrote on the side of the government, to keep me from being suspected to be the author, which nothing else could excuse, and I should blush to own ; they have already had a good effect on the majority of the Assembly and on the people, *etc.* *Signed,* Geo. Clarke. *Holograph. 3 pp. Enclosed,*

386. i. Declaration by Paul Richard, Mayor of New York, 30th [*sic*] Sept., 1736. On the 14th Sept. I took up a paper in the Widow Brazier's Coffee House, which she told me was thrown into her house, but knew not by whom, on the outside whereof was written, "Liberty," and in the inside whereof was written, "Better one man dye, than the people be enslav'd. What merit a Usurper. Let him be destroy'd. Amen." The same day I delivered the paper to President Clarke *etc.* *Signed,* Paul Richard. *Sealed. Endorsed,* To Mr. Clarke's letter of Sept. 18th. 1 p.



1736.

386. ii. Copy of *The New York Gazette*, Sept. 6-13, 1736. Numb. 567. Printed and sold by William Bradford. 4 pp.
386. iii. The Sentiments of a Principal Freeholder Rfer'd to the Consideration of the Representatives of the Province of New York. Westchester, Sept. 1st, 1736. Defence of Mr. Clarke and criticism of Mr. Van Dam's Protest etc. Signed, F.S. Printed. 4 pp.
386. iv. A letter to one of the Members of the late General Assembly. 1736. A reply to No. iii. No signature. Printed by John Peter Zenger. 1½ pp.
386. v. Copy of *The New York Weekly Journal*, Containing the freshest Advices, Foreign and Domestick. Thursday, Sept. 13th, 1736. Contains a letter, dated Sept. 1st., from one of the members of the late Assembly; who refused to act with George Clark, to a Brother Member. Printed and sold by John Peter Zenger: By whom Subscriptions for this paper are taken at three shillings per quarter; and Advertisements at three shillings the first week, and one shilling every week after. 4 pp. [C.O. 5, 1093. ff. 412-413, 414, 416-422 v.].

Sept. 24.  
Whitehall.

**387.** Council of Trade and Plantations to the Duke of Newcastle. We have lately had under our consideration, some letters from Mr. Belcher, Governor of the Massachusetts Bay and New Hampshire, as likewise some letters from Colo. Dunbar, Lieut. Governor of New Hampshire; and as we see no reason to expect that the disputes between these two gentlemen, with regard to their respective powers of Government, will ever be determin'd without H.M. interposition; we take leave to acquaint your Grace, that in the year 1731, Mr. Belcher having taken upon him to give orders to the Commander of Fort William and Mary, in New Hampshire, not to suffer Colo. Dunbar to enter the said Fort, in quality of Lieutenant Governor of that Province, nor to obey any commands in relation to the said Fort, except such as he should from time to time receive from him the said Mr. Belcher, we did on the 4th of November, 1731, lay a state of this whole affair before H.M., with our opinion thereon; but as we are not apprized, that H.M. has since been pleased, to give any directions upon this subject, we take leave further to observe that Mr. Belcher sends his orders relative to the Government of New Hampshire from the Massachusetts Bay, to the President of the Council of Government of New Hampshire, notwithstanding he knows Colo. Dunbar, the Lieutenant Governor to be present in the Province, and avows the same in his letters to us. As these proceedings of Mr. Belcher are taking from Colo. Dunbar those powers which we apprehend H.M. has been pleased by his Commission to invest him with, and as we are of opinion, that H.M. prerogative, and the interest of the Province, do greatly suffer thereby, we must desire your Grace will be pleased to receive H.M. directions upon a subject of so much consequence. We have taken the liberty to inclose to your

1736.

[387]

Grace a copy of our aforementioned'd Representation ; and shall not therefore trouble your Grace with any further detail of that affair. *Autograph Signatures.* 2½ pp. *Enclosed,*

387. i. Copy of Representation of Nov. 4, 1731. [*C.O.* 5, 752. *ff.* 283-287, 290].

Sept. 24.

**388.** James Huey to Mr. Popple. Requests him to lay the following before the Board. *Signed,* James Huey. *Endorsed,* Recd. 24th Sept., Read 27 Oct., 1736. *Addressed.* ½ p. *Enclosed,*

388. i. *Same* to the Council of Trade and Plantations. The last time I was admitted to attend your Lordships, you desired me to let you know if we were willing to engage to pay H.M. quit rents here after the expiration of ten years from the date of the grant ; I have since consulted with sum of the gentlemen consern'd with me and we are of opinion that it is a thing that cannot be done, particularly in so large an undertaking as that of ours is, the difficultys are many that would attend this method of proceeding ; some of which we begg leave to lay before your Lordships. 1st. We are oblidgd by vertue of our grant should it pass to settle 6000 Protestants, they are to pay the quit rents to the Crown in the same method as practiced by the Colonys and will hold thyr lands by that tenure, but should the undertakers engage to pay the Quit rents, and that thyr should be only a private covenant between them and thier tenants, in that case we aprehend, we shou'd be under a necessity to take out separate actions against every person that neglected to pay his quit rents, there are particular laws in the Colonys to inforce the payment of the quit rents to the Crown but in our case it would be consider'd only as a common debt ; the Crown has officers appointed for the collection of the Quit rents, and H.M. Governour is to direct them affairs, but were we to undertake the payment of the quit rents in to H.M. Treasury we can have no relieff, but at an infinite charge. The charge of the Survey will amount to .. .. £2100  
The charge of marking out the severall divisions will amount to .. .. £2400

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£4500

Therefore as we shall be oblidgd to advance so much money immeditabily, it is hoped that our so doing will be look't upon as a security, and that we are determind to carry on the settlement in a proper manner. 1 p. [*C.O.* 5, 295. *ff.* 35-36 v.].

Sept. 25.  
*Falkland,*  
*St. John's*  
*Harbour.*

**389.** Capt. Lee, Governor of Newfoundland, to the Council of Trade and Plantations. The time of his return being very near, sends replies to queries with scheme of fishery, containing as much of the fishery as has been transmitted in former schemes.



1736. [389]

*Continues*.:—I must observe to you, that there are some places in this Island, where there is very great fishing, of which your Lordships may not have had any particular account of, particularly the fishery of Fogo, which is to the No'ward of this harbour, about the lattitude of 50°. 60 No., as likewise the Island of St. Peter's, the harbours of Great and Little Burin, with several other fishing ports on the western shore, whose fishery has been of good account of late years, the particulars of which would never be obtain'd by H.M. Ships, the said coasts abounding so full of rocks, of which there are no charts to be depended upon, nor very seldom pilots, whose judgement can be of any service. I am hereby to inform your Lordships, that the complaint, which has been made unto you, that the French contrary to 13th and 14th articles of the Treaty of Utrecht, do fish, and have made settlements at Port Bask, near Cape Roy in the westward part of Newfoundland, and that they are supply'd with provisions from France, and that they carry on their furr trade there, during the winter season, has been without foundation; and I an to acquaint your Lordships, that pursuant to your desire, I have made the most particular enquiry, I could, into that affair; and accordingly gave my orders to Capt. Willm. Parry of H.M.S. *Torrington*, that during his cruize to the westward of this Island, he should make the best observations, he could, about that affair; whose answer to my said orders, I shall transmit to your Lordships. At his return from the said cruize, he inform'd me by his letter, that he had rec'd the following accounts, from Thomas Salmon Esqr. one of H.M. Justices of the Peace at Placentia, Capt. Rowland, and several other persons of that place, who had often been at Port Bask, that there are three or four French inhabitants, who reside there constantly, that they have taken the oaths to our Government, that 'tis true they make a winter's fishery, and are supply'd with craft from the English fishing ships belonging to Pool, who fish annually at St. Peter's; that they do catch some few furs, that one Capt. Robt. Cleave generally takes off their fish, oil and furs, that they are supply'd with nothing from France, and that they send nothing to France, but that their whole produce is taken off, by the English of St. Peter's. Pursuant to 2nd article of H.M. Instructions to me, to observe the Act of Parliament, of the 10th and 11th years, of the reign of King William the third, in relation to murthers, felonies and other capital crimes, committed in or upon Newfoundland, or the Islands thereto belonging, Capt. William Parry aforesaid, having brought hither, one James Kelly, who he had received on board at Placentia, at the instances of the Justices of the Peace there, the said Kelly being suspected to be concern'd in a murther of one Levimore at Renouse, Kelly, I have order'd to be carried by the said Capt. Parry prisoner to England, I have also order'd Capt. Parry to receive on board two material evidences against the said Kelly. I must here observe to your Lordships, that the conviction of persons, who have been guilty of murthers, felonies or other capital crimes in this Island, by their tryalls in England, is very

1736.

[389]

difficult, for such people, who are the chief evidences, will always if possible abscon'd, to avoid being carried, as such, to England, and I can't but say they have good reasons for their so doing; for on such occasions, besides their loss of time, by their absence from their home in this country, by which they must inevitably lose the next year's fishing, after the tryall of the suspected murtherer, or felon, the evidences are left to return to their families, at their own expence, which may put them very much behind hand, if not ruin them in their affairs; this I thought proper to submitt to your lordships' approbation. The 4th article of H.M. Instructions, relates to the suppressing the engrossing of commodities, tending to the prejudice of the fishery, herein I am to observe to your Lordships, 'tis the common practice of the people, called merchants here, to engross all commodities, as often as they have opportunity, without any consideration, to whose prejudice it may be, nor can I find any means to prevent this by my authority, as every person pleads his right to lay out his own money. By the 5th article, I am to acquaint your Lordships of the arms, ammunition, and stores, in the garrison of Placentia, of which, they are pretty well provided, tho' I must let your Lordships know, that the company of Collo. Philips' regiment in garrison there, are entirely unprovided with small arms, which account I have from the officers, and of which, I think it necessary to acquaint your Lordships. In answer to the 7th article of H.M. Instructions, I have used my utmost endeavour for the due observation of the Act, passed in the fifteenth year of King Charles the Second, (for the encouragement of trade) pursuant to which act, I lately made seizure of a ship in this port, come from Lisbon, who contrary to the said act, had some wine, oil, and sugar, which he imported here, the said ship was condemned by Court of Admiralty, and sold for £120 sterl. at publick sale: Capt. Parry did also seize a small sloop at Trepassey, having some tobacco on board, which he had ship't in Marry Land, and for which, no bond had been given, to land it on any of H.M. Plantations. Pursuant to 14th article, I had by me the Act to encourage trade to Newfoundland, which I duly as possible observ'd. I must say that I believe the Admirals of the respective harbours, do not take any care to hinder vessells from throwing out ballast, or press stones, which is very frequently done in the several harbours, to the great prejudice of them. In answer to the 22nd article, the big boat keepers and masters of fishing ships, don't carry over such numbers of fresh men, in proportion to their respective companies of seamen, as the act directs, many of them are not furnish'd with proper certificates of having made oath before their sailing from England, that they do carry such numbers of green men; I don't know what account the Custom House Officers, at the ports they come from may keep, but the Admirals here, have no sort of account, but what your Lordships see in the fishing scheme. As to the 23rd article, the inhabitants employ such people as they can hire, without any regard to the said act. The 27th article is, wether the Admirals are carefull to maintain peace, and good



1736. [389]

government in the harbours, and on shore, to which I must observe, the Admirals, are chiefly employ'd in their own fishing, and frequently are absent a month at a time on the Banks. When the said act was made, I believe, there were no Justices of the Peace in Newfoundland, and those who are in that station at present, being collected from the better part of people, inhabiting this country, are much more capable, of preserving good government ashore, as required of them, by the words of their Commissions, while what disorder may happen in the harbours is generally settled by the officers of H.M. ships, on this station, or in case of difference, both parties generally agree to our final determination, and submit thereto. In answer to the 50th article, of H.M. Instructions, of the plantation goods brought to Newfoundland, those inumerated by Acts of Parliament are only rum, tobacco, sugar and melosses; I could never find that they export these commodities hence, to any foreign parts, by any indirect trade, but the use made of them is to pay of their servants wages, very often in a scandalous manner at exorbitant prices, very much to the prejudice of such servants, who have any families. In answer to the 51st article, the merchants in New England carry on a great trade to this Island, chiefly by their rum, and provisions, they comonly sell for money, or bills of exchange, which they carry hence to New England, and which is of great help to them, in answering their trade, which they import from Great Britain. In answer to the 52nd article, there are a great many publick houses in this country, particularly in St. John's Harbour, I endeavour'd what in my power lay, to keep them in some order, and did oblige the keepers of the said houses to have licences from me, which I gave to none but such, for whose orderly behaviour, I had assurance, they will trust the common people here and thereby receive great part of their wages, and I am certain there is no method to prevent it while rum is imported. In answer to the 57th article, the New England traders do intice, and carry thither people of any sort, from this country, any of the inhabitants will readily assist them therein, for any private advantage of their own. In answer to 58th article : I have prevented the foregoing practice, as much as lay in my power, and did oblige all masters of New England ships, that came in my way, to give bond, not to carry away seamen etc., notwithstanding which, there will never be wanting frequent opportunities of their carrying off passengers, both before the arrival of the convoy, and after their departure. I can't imagine any way to prevent this great evil, unless some fine were laid on masters of ships, carrying persons from Newfoundland to New England, without proper leave, which fine I beleive cannot be laid without a new Act of Parliament, which might be of great use in many cases to the trade of this Island which I submit to your Lordships better judgment. In answer to 59th article, relating to the complaint of the English Consuls, and merchants, residing in Spain, Portugal and Italy, which complaints, I beleive, are very just, since it appears very true, that the French fish, has sold of late years, at the price of one

1736.

[389]

dollar p. quintel, at least, in the Italian markets, more than the English fish; the reason of which according to my observation, is no ways from the badness of the salt, or for want of sufficient quantity, the common quantity of salt for one hundred quintals of fish, being ten hogsheads, and I must observe to your Lordships that the greatest reason, I can find, is, the fish being sent hence to foreign markets, before it is cur'd in such manner as it should be. Of this I have had certain proof this year, the occasion of which is as follows, the sack ships from Europe who come chiefly loaded with salt, and some other commodities, pay therewith in part, and the rest by bill on their merchants in London, according to the best agreement, they can make with the boat keepers. Now the masters of the said sack ships are always jealous of each other and contriving which shall carry their fish first to market, to which purpose they frequently ship their fish before 'tis cured which thereby suffers in the passage so much, as to fall miserably in the price, and 'tis generally beleived many of the merchants concern'd in the sack ships, will suffer considerably on the said account this year. In answer to 65th article etc., the memorials and petitions laid before you, from Bristoll, Pool and Dartmouth against the Justices of the Peace have been chiefly form'd by masters of merchant ships, who are very often very ignorant and very impudent fellows, and particularly behave as such to the Justices of the Peace in the execution of their duty. I have been often troubled thereby, and have affidavits which have been sent me from inhabitants of other harbours, as well as the information of the Captains of H.M. ships, how much the Justices of the Peace are frequently insulted and male treated by inhabitants, boat keepers, but more especially masters of merchant ships. The present Justices of the Peace are mostly of those gentlemen, who were chosen and approved of by my predecessors, and where I have had occasion to appoint any new ones, I have entirely acted in that affair by the generall consent or desire of the better sort of the inhabitants and this I am very well assur'd of, they are composed of the better sort of the inhabitants in this Island etc. I have herewith inclosed to your Lordships the bonds taken from masters of New England ships, as also the scheme of the fishery for 1735 with this year's, because I found some mistakes in that, which I sent your Lordships last year. *Signed, J. H. Lee. Endorsed, Reed. 6th Nov., 1736, Read 13th Jan., 1737. 4½ large pp. Enclosed,*

389. i. State of the Planters and inhabitants, with a scheme of the fishery at Newfoundland for 1735. A few small corrections from that given Sept. 29, 1735, but quintals of fish made by the inhabitants is now returned at 290,825, and carried to foreign markets, 314,475 [*sic*]. 2 large pp.

389. ii. *Same* for 1736. Number of ships, 259; burthen, 20,923; men belonging thereto, 3,064; passengers, 2,484; boats kept, 917; by boatmen, 2165; quintals for fish made, 292,410; carried to foreign markets,



1736. [389 i.]

299,030 ; 1230 tierces of salmon ; train oil made, 1449½ tons ; prices, per quintal, 10s., 10s. 6d., or 21 reals ; of salmon, 45s., of train oil pr. ton £9 10s. to £12 ; number of stages 426, of trainfatts, 259. Number of families, 362 ; acres of land improved, 201 ; inhabitants, 3,391, remaining in the country last winter, 2,786 ; births, 68, deaths, 36. *Endorsed as covering letter*, 1½ large pp.

389. iii. Thirteen bonds given by masters of Plantation ships not to carry off any men but what belonged to their ships. *Same endorsement*. 13 pp. [C.O. 194, 10. ff. 25-27, 28 v.-31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 v.].

Sept. 27.

**390.** Wavell Smith's answer to the observations of the Agent of St. Christopher upon Mr. Smith's and Mr. Balaguier's accounts. *Shows that in many instances the Agent has misrepresented the facts and charges. Concludes :—*But it's submitted the question upon the present act is simply whether Mr. Smith is to have an allowance in gross for all the publick business (instead of fees), against all usage, and without any regard how business may vary, or what expence he may be at *etc.*, and whether £60 present currency paid in sugars which is worth about £30 sterl. is a sufficient hearing is submitted on what passed at the hearing (*v. Journal of Council*). But the vote of the Legislature of St. Kits in June, 1735 (*v. 24th Nov.*) seems to have put this matter beyond all dispute *etc.* Considering the Instructions this act is passed in breach of, *hopes the Board will report against confirming it, and advise H.M. to direct the Governor and Council to state the account of the said Smith according to the usual allowances paid to his predecessor and self to the time of making the said act, and also to state what has accrued due to him or his Deputy since, according to the said allowances, and to recommend the payment thereof to them, as well as to take care for the future the said Smith and his Deputy be paid for such services as shall be by them performed for the publick according to the usual and accustomed allowances upon the like occasions and in legal money.* *Endorsed*, Recd. 27th Sept., Read 25th Nov., 1736. 3½ large pp. [C.O. 152, 22. ff. 243-244 v.].

Sept. 27.  
Whitehall.

**391.** Duke of Newcastle to the Council of Trade and Plantations. I herewith send your Lordships, a copy of a letter which I have received from Monsr. Geraldino, Agent for the King of Spain *etc.* I am to acquaint you with Her Majesty's pleasure, that you should enquire into this matter, and send me a state of it, for H.M. commands *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd. 28th, Read 29th Sept., 1736. 1 p. *Enclosed*,

391. i. M. Geraldino to the Duke of Newcastle. London. 21 Sept./2 Oct., 1736. The King my master had every occasion to hope, from the representations of the Ministers

1736. [391 i.]

of His Britannic Majesty made to me in Sept. 1735, before the departure of Mr. Oglethorpe, that his visit to Carolina, far from producing any results contrary to existing Treaties, might help to establish a perfect understanding between the Governments of that Province and Florida *etc.* But on the contrary, the Governor of St. Augustin has had the mortification of seeing a fort, situated in the territory of His Majesty, eight leagues from St. Augustine, attacked on the 3rd of March of this year by the inhabitants of Georgia, who, having killed one of the Spanish soldiers who defended it, cut off his head and carried it away with them in triumph. After which, the said inhabitants of Georgia built a fort in the territory of the Government of Florida, 25 leagues to the North of St. Augustine, at the mouth of the River St. Simon, and put a garrison there to defend it, although in the past the inhabitants of Carolina, who had built a fort at the same place, had demolished it by order of the English Court at the request of that of Spain. The Governor of St. Augustine has *etc.* also informed the King that he had just been advised by his Lieutenant at the fort of San Marcos in the Province of Apalache, that the Indians of the Provinces of Uchee and Talapuzee, His Majesty's subjects, had complained that the English were then employed in building a fort in His Majesty's territory inhabited by the Uchees, and that they even announced that they would build another in the territory of the Talapuzies, north west of St. Augustine, and that another party of three hundred English had appeared on the frontiers of the same Province, and that having unfurled a standard of war in a *Poblation* of Indians named Apalachicola, they had summoned the principal *Poblation* of the said Province, called Caveta, to join them in making war upon the Spaniards, informing them at the same time that they were resolved to demolish the Fort of San Marcos and afterwards to lay siege to St. Augustine. The Governor of St. Augustine did not hesitate to believe this, because the English of Georgia made continual incursions into the territory of Florida, and disturbed the inhabitants there, *etc.* *Submits* these patent facts to the consideration of His Britannic Majesty, and adds :—The Colony of Carolina being situated 32° latitude, 294° longitude, and that of Georgia being to the south of it, it is indisputable that the latter is in Spanish territory, and even the former, according to the Treaty of 1670, the 7th Article of which fixed the boundary of the said Province and that of Florida at 33°. 50 min. latitude and 339°. 20 min. longitude, although the town named Carolina was tolerated because it was built before the aforesaid Treaty. And as by the 8th Article of the Treaty of



1736. [391 ii.]

Utrecht it is agreed that the boundaries in the West Indies should remain on the same footing as they were under Charles II, *etc.*, the King my Master does not doubt but that His Britannic Majesty will give immediate orders for the punishment of the inhabitants of Georgia *etc.*, and their observance of the limits fixed by the aforesaid treaties, and that the forts built on the territory of Florida be immediately destroyed *etc.* *Signed*, Thomas Geraldino. *Copy. French.* 5 pp. [C.O. 5, 365. ff. 119, 120-122, 123 v.].

Sept. 30.  
Whitehall.

**392.** Mr. Popple to the Trustees for Georgia. H.M. having been pleased to refer to my Lords Commissioners for Trade and Plantations, a letter to the Duke of Newcastle from Monsr. Geraldino, Agent for the King of Spain here, containing several complaints against the inhabitants of the Colony of Georgia, *etc.*, *encloses copy and concludes* : My Lords are desirous of speaking with you upon that subject on Wednesday morning next at eleven o'clock. [C.O. 5, 401. pp. 175, 176].

Sept. 30.  
Whitehall.

**393.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, 13 acts of Barbados, 1734-1736. [C.O. 29, 16. pp. 48-51].

Oct. 1.

**394.** Deposition of John Jackson, of Saffron Hill, London, mate of the *Benjamin* brigantine, carried 31 recruits to Providence, 12th Dec., 1735 with goods and merchandize for Governor Fitzwilliam. Some of the garrison coming on board, and being in a very lean and languishing condition, informed deponent that the reason was that they were almost starved, the Governor allowing them no more than 3 pounds of salt pork or five pounds of salt beef Carolina provisions and 5 pounds of flour per week, whilst they were compelled to perform very hard labour in the woods and otherways for him without any payment for the same. If any of them complained, they were whipt or otherwise punished in a cruel and excessive manner. *Signed*, John Johnson. *Endorsed*, Recd. 23rd, Read 24th Nov., 1736. 1½ pp. [C.O. 23, 3. ff. 213, 213 v., 214 v.].

Oct. 2.  
Barbados.

**395.** President Dottin to the Duke of Newcastle. The Instructions your Grace was pleas'd to enclose me for altering the prayers for the Royal Family came safe to my hands, without the honour of any letter, which I presume you did not think needfull on that occasion, tho an answer to one which I had done myself the honour of addressing to your Grace, and which must have kiss'd your hands before that instruction was sent, wou'd have given me the utmost pleasure, however, I immediately comply'd with the directions of the Instruction as I ever will with everything else in my power on all occasions which comes from your Grace. I formerly took the liberty of acquainting your Grace that John Ashley Esqr. a member of Council here appear'd to be so much indebted as to be forc'd to abscond and

1736. [395]

cou'd not attend his duty in that station, which he has neglected for a considerable time past, and no hopes of his being able to retrieve his affairs, so as to be able to appear in publick, and therefore I humbly recommended Coll. John Maycock as a fit person to supply his place, but not having heard anything further here on, I presume to mention it again, and entreat your Grace will be pleas'd to consider of it, and as Mr. Ashley is disabled by reason of his circumstances from doing his duty, I wou'd flatter myself that your Grace will comply with my humble request in conferring that honour on the gentleman I have recommended, but should Mr. Ashley still be continued, as a vacancy has happen'd therein, by the death of Mr. Peers, I hope for Coll. Maycock's succeeding therein, tho if he supplys Mr. Ashley's place, I then take the liberty of recommending Thomas Harrison Esqr. as a very fit person in every respect to fill up Mr. Peers's vacancy, and as H.M. service often suffers for want of making a Council because there are so few members on the Island, I am persuaded your Grace will have these vacancys supply'd very speedily. The officers having lately furnish'd me with the papers directed to be transmitted home I have herewith sent them to your Grace, and beg leave to subscribe myself with the greatest respect. *Signed*, James Dottin. 1 p. [C.O. 28, 45. f. 392].

Oct. 2.  
Barbados.

**396.** President Dottin to the Council of Trade and Plantations. I have by this opportunity transmitted the several publick papers which the officers have furnish'd me with on H.M. service for your Lordships' perusal and consideration, and hope my conduct will meet with your approbation. As your Lordships have not yet thought proper to take any notice of what I mention'd with respect to Mr. Ashley who has not been at Council for a considerable time, and I fear his affairs will never be settled in such a manner as to allow him ever to appear here again in publick, I take the liberty of repeating my recommendation of Collo. John Maycock as a fit person to supply his place, or that of Henry Peers jr. Esqr. who is lately dead, but if Coll. Maycock is appointed in the room of Mr. Ashley, I humbly recommend Thomas Harrison Esqr. as a gentleman fitly qualified in every respect to be of the Council here, I humbly entreat your Lordships to have these vacancys supply'd, since H.M. service very much suffers for want of a greater number of members of Council residing in this Island. *Signed*, James Dottin. *Endorsed*, Recd. 10th, Read 12th Jan. 173 $\frac{7}{8}$ .  $\frac{3}{4}$  p. *Enclosed*,

396. i. List of enclosed Acts and Minutes of Council and of Assembly, April–Sept., 1736. *Same endorsement*. 1 p. [C.O. 28, 24. ff. 188, 189, 189 v., 190 v.].

Oct. 6.  
Whitehall.

**397.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Enclose accounts of incidental charges of the Office, Midsummer to Michaelmas, and request payment of one quarter's salaries then due. (v. Journal.) [C.O. 389, 37. pp. 375, 376.].



1736.

Oct. 6.  
Whitehall.

**398.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, several Acts of Antigua, Nevis and Montserrat, 1735, *enumerated*. [C.O. 153, 16. pp. 41-44].

Oct. 6.  
Whitehall.

**399.** Council of Trade and Plantations to President Dottin. Since our letter to you of the 18th of July, 1735, we have received yours of the 2nd of August, 21st of October, and 29th of November, 1735, with a postscript of the 4th of December following, as also of the 17th of April and 14th of June last, and the several publick papers you have mentioned to be inclosed in your said letters. And we do commend your care in having caused so exact an account to be taken and sent to us of the state, condition and trade of the West Indian Settlements. We have sent to his Grace the Duke of Newcastle copies of such papers, as we have from you in relation to the proceedings of the French at Sta. Lucia, St. Vincents and Dominico, with our opinion on the consequences that may attend the same, that H.M. may give such directions thereon, as may best tend to the welfare and security of his Islands and the trade thereof, and we hope you may soon receive H.M. Instructions upon that head. However, we shall be glad to have from you any additional informations which you may get from time to time upon this subject. We think the instance of respect, which the people of Barbados have paid to the memory of their late Governor in granting a sum of mony for payment of his debts, and for the use of his Lady, a very commendable one, wherefore we laid the Act for that purpose before H.M. for confirmation, and the King was pleas'd to confirm the same. With regard to that part of your letter of the 2nd of August, wherein you mention some hardships imposed on the planters and shippers of the produce of Barbados, by the Custom House officers in the collection of the 4½ p. cent, we can only observe, that you should have been more particular, but since the Surveyor General has laid a state thereof before the Commissioners of H.M. Customs, we presume they will give proper direction thereon. We have considered what you write concerning the five Acts represented by Lord Howe to be cramps on the trade of Barbados. vizt. An Act *concerning forestallers and engrossers of provisions*; an Act *to prevent the inconvenience upon the inhabitants by forestallers, engrossers and regraters*; an Act *to prevent the exportation of horses and asses from this Island*. An Act *for laying an imposition or duty on all sugars, molosses, rum, cotton and ginger imported which are not the natural product of some of H.M. Colonies*. And a Supplemental Act to the last mentioned Act. We wrote to you what occurred to us upon this subject in our letter of the 18th of July, 1736, and having since considered the reasons sent us by you for and against those Acts, if it be really for the advantage of the Colony and agreeable to the sense of your Assembly that they should be repealed; we can see no inconvenience in your passing a law for that purpose; provided you insert a suspending clause therein, that it may not take place untill H.M. pleasure shall be known, and when we shall have receiv'd such a law from you, we shall consult

1736. [399]

the merchants here concerning the expediency thereof, and then report to H.M., what we think may be for His service on this subject. We are very sorry to hear of Mr. Ashley's misfortunes which would probably be encreased by his being immediately removed from the Council, tho' it might perhaps be advisable for him to resign, we do not therefore at present think proper to report any thing upon this subject to H.M. We must however desire you will send to us by the first opportunity, an account of the number of the gentlemen of the Council present on the Island, and of those who are absent, how long they have been so, and from whom, and for what time they have obtained any licence of leave. In answer to your letter of the 14th of June last, desiring our opinion upon that Article of your Instructions, which relates to Appeals, we think you have done right in adhering to the letter of your Instructions, in refusing to grant appeals under the value therein mention'd. [C.O. 29, 16. pp. 51-55].

Oct. 7. **400.** Mr. Shelton to Mr. Popple. When Mr. Wragg and I attended your Board lately, the Lords were pleased to command us to give them an account of the two Baronies, which Mr. Wragg petitioned H.M. for. But the plans which the Duke of Beauford had of them can't be found. Sends the best account of their situation Mr. Wragg can remember *etc.* "He expects every day an account of the arrival of some Germans in Holland in order to be transported to that Province." *Signed*, Ri. Shelton. *Endorsed*, Recd. 11th Oct., Read 12th Nov., 1736. *Holograph*. 2 pp. *Enclosed*,

**400. i.** Description of the two baronies in Craven and Granvill counties, S. Carolina, petitioned for by Mr. Wragg. 1 p. [C.O. 5, 365. ff. 148, 148 v., 149, 150 v.].

Oct. 7.  
London.

**401.** Petition of Chaloner Jackson, Collector of Customs, Providence I., Bahamas, to the Council of Trade and Plantations. *Abstract.* *Complains* that Governor Fitzwilliam, from the time of his arrival till 1735, when petitioner fled, fearing for his life from the Governor's menaces and inhuman treatment, obstructed him in the discharge of his duties and grievously oppressed the inhabitants, *etc.* (i) On Jan. 1st, 173 $\frac{1}{2}$ , the Governor, in order to engross and monopolise all provisions brought from the Continent for the sustenance of the inhabitants, (which till his arrival they had at moderate rates) did propose in Council (petitioner being a member thereof and present) that all vessels in which he had a share, and all other such vessels as brought any necessaries proper for the garrison should be exempted from all port charges. The Council refused, knowing it to be merely a pretext to cover his private trade. Yet in August the Governor sent his servant, James Scott, to acquaint petitioner that he had by his own authority made the same a Minute of Council, and expected him to pay obedience to it. Petitioner answered that if he received any port charges *etc.* which he could not justify, the Governor would have just cause of complaint against him. Scott replied,



1736.

[401]

that the Governor would not complain to England, but would sue him at Common Law in Providence and ruin him for it *etc.* When any provisions arrive, the Governor buys up the whole, and exempts those who sell to him from all dues *etc.*, under pretence that the garrison is in want *etc.* (ii) Some time before the Governor's arrival, one Capt. Petty, Commander of a sloop bound for London, entered 400 cwt. of cotton in the store for London, giving bond with Samuel Lawford for its being landed in Gt. Britain or the Plantations. On his return to Providence, he had mislaid the certificate given in London of its being landed there. But as the bond was not by the Statute to be put in execution till 18 months from the date thereof, nothing was at that time done. But afterwards, Governor Fitzwilliam having bought 100 barrels of flour of Petty and partner, sent the same to Havana, in a vessel, commanded by Petty, which was not allowed to trade with the Spaniards and returned with all her lading, except 12 barrels of flour, to Providence. The Governor, being disappointed, told Petty that unless he took back the unsold flour, he would sue the bond abovementioned and ruin him. Petty refusing to comply, the bond was put in suit by James Scott, then Naval Officer, who had been with Petty to the Havana, as the Governor's factor, to trade with the Spaniards. Before judgment was given, a certificate from the Commissioners of Customs arrived, that the 400 cwt. of cotton had been landed in London. Though the Governor and Naval Officer were fully apprized thereof, the prosecution was continued in the Court of Common Pleas. The Chief Justice, Nicholas Rowland, gave his opinion that the bond ought thereupon to be cancelled. "But as this point was for some time in, debate, between the said Chief Justice, and Mr. James Scott, the prosecutor on behalf of the King, and then upon the Bench as Assistant Judge, the Court adjourn'd for a few hours, and was from thence further adjourn'd by the Governor, for fourteen days, in which time the Governor turn'd out Mr. Rowland, and appointed Mr. Scott, Naval Officer, to precede in quality of Chief Justice in his stead, to which the defendants afterwards objecting in Court, and declining as much as in them lay, the jurisdiction of said Scott, Mr. Lawford also pressing it to the Court, that Mr. Scott the prosecutor (who had also prejudg'd them) could not regularly, or decently, sit as a competent judge in their cause *etc.*; Scott immediately committed said Lawford to the common gaol." *etc.*, and next morning sentenced him to fine of 300 pieces of eight and six months imprisonment without bail *etc.* But as the Assembly, of which Lawford was a member, was then sitting, some of the Representatives, by order of the House, went to the prison, and demanded that he should be set at liberty. But the Marshal answered that he dared not deliver him, the Governor having given strict orders to the contrary. But the Governor, passing by the gaol a few days afterwards, and Lawford, in most humble manner, intreating his liberty, he ordered his discharge, upon condition (as Lawford has frequently assured complainant) that he would not sit, or

1736. [401]

act, any more in that House, as a Representative of the Colony. This composition, Lawford informed complainant, was exacted from him, because he had opposed some points before, which the Governor wanted to carry in the House. To complainant's own knowledge, Lawford did never come to the House during the whole sitting *etc.* In consequence of these proceedings, the trade and navigation of the Colony, which consists chiefly in dyeing woods and some cotton, for all which bond is enacted to be given before any can be laden on board, have been exceedingly cramped, obstructed and in great measure lost to this Kingdom and Colony, many vessels having been frequently confined to the harbour, and the masters and owners deterred from lading, because they were in equal danger and like case with Petty *etc.* Moreover Scott, the Naval Officer, is further prejudicial to trade in general, he having rejected good security provided and certified by complainant as sufficient, and thereby detained the vessels and goods. The Governor, by his management, has been able to engross and monopolise the most profitable branch of trade in the Colony, and can at all times purchase said goods, which others are afraid to ship, not only cheaper than any other person for ready money, but has also, by other arbitrary means, obtained the ascendant in those articles of trade, that he more usually pays for them in ozenbrigs, cordage, hats, shoes, stockings, beef, pork, flour, rum, sugar, nails, pins, tape and thread *etc.*, retailed out of his own shop, and at a very advanced price, to such as cannot wait his time for better payment, said Mr. Scott, Chief Justice, being his store keeper. (iii) Complainant now lays before their Lordships "such an instance of tyranny, and barbarity, confessed, and apparent in the Governor's treatment to this complainant as has no example." *etc.* On 21st Oct., 1734, Nathaniel Coverly, master of a sloop, came to complainant's office, to enter outward, bound for S. Carolina, a parcel of blankets, duffields and cottons, some remnants of woollens, belonging to the Governor, but as the said goods had been clandestinely imported from Ireland, as deponent believes, no report or entry having been made of them inwards, and no cocquet having even appeared to complainant, from any Custom house in Great Britain or other H.M. Dominions, proving them to be the manufactory of, or legally imported into the same, complainant refused to make entry of the same outwards *etc.* Whereupon, petitioner standing at the door of Mr. Goudet's, and Governor Fitzwilliams then coming into town, along with Capt. Coverly, he said "Come heare, you Rascell, do you say that these goods of mine were not legally imported?" *etc.* Petitioner replying as above, the Governor lifting up his walking stick, and calling deponent Dog, Villan, rascal and threatening to have him whipped round the town, gave him several blows on the head, the scars of which are now to be seen *etc.*, and wounded him also in the arm, and then taking him by the collar, held and beat him till his stick broak short in his hand; the complainant's wife and other persons continually crying out and begging him not to strike again, from which at their entreaty he



1736.

[401]

refrained, tho' otherwise he should not at all events, believing that the Governor would have murdered him *etc.* Complainant went immediately before the Chief Justice to make his complaint *etc.* But his own wife could be no evidence, and the rest did declare, in the presence of the Chief Justice and complainant, that they dared not give their testimony, because the Governor would ruin them *etc.* Amongst the rest, the evidence of one Thompson was drawn up by the Chief Justice *etc.*, but when the oath was tendered, Thompson declared he was afraid to swear *etc.* Capt. Coverly also refused to give evidence *etc.*, both declaring the Governor would ruin them if they did. But Mr. Susanna Saylor had sufficient courage to make affidavit to the truths above-mentioned, but he had no way to obtain any redress " *etc.* On 23rd Oct., the Governor, notwithstanding that he claimed said goods and did abuse complainant as above for not admitting the same to entry, did in the name of John Keowin, bring his action in the Court of Common Pleas for 300 pieces of eight damages (which £60 sterl.) against petitioner, upon his refusing to make entry *etc.* as aforesaid, to which petitioner did plead the general issue and give in evidence the statute for preventing frauds (7 & 8 William III) *etc.* But Scott, just made Chief Justice, did declare from the Bench that neither said statute, nor any other by complainant brought in evidence, did affect the Plantations, or their trade. Whereupon the jury did give the plaintiff 28 pieces of eight damages. But the said Justice, disliking said verdict, he sent them out again, and upon their return into Court, they gave the plaintiff 200 pieces of eight, and full costs, notwithstanding which said Scott did order judgment to be entered up for 440 pieces of eight, and costs which amounted to 24 pieces of eight, which in all amounted £92 16s. sterl. Annexes copy of apprasement made in Carolina of said blankets, cottons *etc.*, at £123 2s. S. Carolina money, amounting to £17 11s. sterl. Within four days thereafter, the Marshal of the Court did serve an execution on three negro slaves of complainant's, whereby he was deprived of his writ of error on said judgment, or any other legal remedy to be had thereon. The said slaves were immediately exposed for sale, and purchased, by persons employed by the Governor, for one half their value, and for said Governor's use, and said Governor did afterwards attach 67 pieces of eight of complainant, then in the hands of Thomas Seyton, now in London, as also six tons of brazeletto wood, the property of the Crown, being such as complainant had received in species and for H.M. duties. After the departure of complainant, and in order to deprive his wife and children of any means of subsistence, a paper was put up at the market in Nassau, commanding all persons debted to him to pay said debts to the Marshal of said Court, whereby she was deprived thereof, and as deponent believes, this hardship was among many others the occasion of her death. Complainant requested of the Bench and the Clerk a copy of all proceedings of Court beforementioned, but was denied by Scott and the Clerk. Upon 29th Nov., the Governor did in the name of James Donovan

1736.

[401]

bring his action in said Court for 180 pieces of eight damages (£36 sterl.) against petitioner upon his refusing to make entry outwards of another bale of duffields, cottons, remnants of woollen cloth belonging to the Governor, not being lawfully imported into the island. The cause was tried in the Court aforesaid, after complainant's departure from the island, and a judgment entered against him by order of Chief Justice Scott. (iv). *Continues* :—In order to demonstrate to your Lordships how impossible it is in so small a Colony (where the Governor at will and pleasure, and to serve any turn, and to doe any jobb, turns out and displaces the Chief Justice, and other Judges, the Judge of the Admiralty, Justices of the Peace, Secretary of the Colony, Provost Marshall, the Officer of his Chancery and of every other Court, and even the Council, or advancing, or degrading them, according as their conduct suits his own ends and inclinations) for any person now their, however grievously oppressed, to make known their intolerable burthen, to his most Sacred Majesty or to your Lordships, whom under their Sovereign they look upon as the guardians of their rights, libertys, priviledges, or for such as have made their escape from an administration under which they could no longer live, to obtain farther proofs of these severitys from thence *etc.*, petitioner is in the most solemn manner ready to give testimony to the facts hereafter mentioned, viz. that after the Governor had thus beat, abus'd and dangerously wounded him in the execution of his office, *etc.*, the said Governor believeing that the complainant would look out abroad for redress, he commanded, threatned, and derter'd the masters and owners of all vessels, from permitting any letters to be put on board, or to be carried of from (=to) your Lordship [from] complainant, or any other the inhabitants, of which truth Capt. Hilton, Commander of a sloop bound for S. Carolina is a particular instance *etc.* Complainant decided his wife home to obtain justice for himself, but Mr. Lawford would not suffer her to go on board his sloop, the Governor having threatened to tear him and his fortune to pieces if he did so, and also obliged one Capt. Smith, on leaving Providence, to take oath that if he met any of the inhabitants of Providence at sea, or on any of the small keys or islands, he would either bring them back or put them upon some remote and uninhabited island *etc.* Complainant fearing at length that the Governor would be his utter destruction, "and turn all those laws against him (as he had already done in the cases of many others), which are the best security of an English subject, the Courts of law under his immediate influence and direction, the said Governor at all times when they are sitting, walking at a small distance, and sending to, and receiving messages [from] the Bench, especially when causes in which he is plaintiff are before them, which are fare more numerous then those of all the rest of the Island, and when a verdict is against him at Common Law, his Attorney appeals to himself in Chancery, where the judgment on such verdict, is assuredly revers'd; and petitioner having once been forc't by the said Governor's directions, into the Court of



1736.

[401]

Admiralty, and their vexatiously and unjustly prosecuted (before one Smith, Judge of the said Court, and a creature, an instrument in all the Governor's arbitrary measures) for matters done in the due and legall execution of his office, and in a suit where the cause of action was not cognizable, before said Smith, or the Court aforesaid," *etc.*, took to flight on 26th Jan., 173 $\frac{1}{2}$ , with four others of the principal inhabitants, equally aggrieved and distressed by the tyranny of the Governor, in a small boat of no more than 20ft. in the keel, in which they passed the Gulf of Florida, after being 21 days before they could get clear of the Bahamas, in constant and astonishing hazard and in expressible hardships *etc.*, petitioner being resolved not to barter his honour for the deceitful promises of the Governor, tendered to him, just before his escape, through Mr. Stewart, Surgeon to the Garrison, if he would become the false accuser of himself, and lay himself at his mercy *etc.* His wife left behind, died of her hardships. He has suffered £400 sterl. damages through the Governor's arbitrary will *etc.* *Prays for relief* for these grievances, which all the inhabitants and most of the garrison share *etc.* *Signed*, Chaloner Jackson. *Endorsed*, Recd. (from Mr. Jackson), 8th, Read 13th Oct., 1736. 15 pp. [*C.O.* 23, 3. ff. 157-164, 165 v.].

Oct. 7.  
New York.

**402.** President Clarke to the Duke of Newcastle. I am sorry that I have so soon occasion to give your Grace the trouble of another letter, but the faction having prevailed on Mr. Van Dam's weaknes to a greater degree than could be imagined, I think myself bound in duty to acquaint your Grace with it by presenting to you a copy of my letter to the Lords of Trade with the papers therein referred to, presuming that they contain (if not a full account of all the folly and madnes of the faction), enough to give your Grace a view of the present situation of affairs. I beseech your Grace to be assured that I will never fail to maintain H.M. Royal authority to the utmost of my power, and to the last penny I have in the world; never was any man so distressed as I am, there is not a farthing in the Treasury, on the contrary there is a great deficiency in the Revenue, I am obliged to defray all expences out of my own pocket, and shall continue to do so in support of the Government tho I and my family are thereby reduced to the utmost want, hoping from your Grace and protection that H.M. will be graciously pleased to continue me in the administration of the Government, there is no other way by which I can possibly be preserved from ruin, for if a Governor comes whilst I labour under a heavy load of debt which I am daily contracting in my present circumstances, I can hope for little relief from the Assembly, when I have no influence over them, and if the Assembly be dissolved, another will not make good the deficiencies of the Revenue nor give a new one, especially if he be chosen before the Faction be broke, and the people reclaimed from their madness, and for that reason chiefly if not solely it is that all their strength is bent to keep this Assembly from sitting; we are informed by private letters from merchants in London that it is H.M. pleasure that Mrs. Cosby shall have a pension paid her by

1736. [402]

whoever succeeds Governor Cosby ; I heartily rejoice at every instance of Royal favour to her, and cannot but think it a high act of justice in recompense for her sufferings here ; I have done myself the honor to congratulate her upon it, and humbly ask your Grace's pardon for presuming to mention it to you. A few days will resolve me whether the Assembly will sit or no, if they do, as they promised on my adjournment they would, I have great hopes that I shall put to silence those seditious spirits ; your Grace I presume will readily believe that I have a very hard task, but I shall bear up under it, I hope, in such a manner as may justify me to H.M., and gain your Grace's approbation and protection. I humbly beg and presume to hope that your Grace will be pleased to send me full powers and instructions to put an end to the present distractions and their pretended doubts, and I humbly propose it to your Grace's consideration, whilst it will not be proper that I should have on this occasion, a power to pardon treason ; Van Dam, Alexander and Smith have already had [lead ?] very near it, and if they should go further and draw in many unwary people with them I presume your Grace will think it necessary. If James Alexander, William Smith and Lewis Morris Junior, the authors of the seditious papers, with John Peter Zanger, their printer, were sent to England, the spirit of faction would be entirely broke, but this at present I dare not venture to do without orders, being by H.M. 45th Instruction forbid to send any prisoners to England without sufficient proof of their crimes to be transmitted with them, and I have no other proof at present against any of them then the appointment of Corporation officers by Van Dam wherein it appears that Alexander assisted as a Councillor. The printer on promise of a pardon might be a strong witness and help us to more. By the next ships I hope to have the honor to acquaint your Grace that the face of affairs are then altered for the better, *etc.* Signed, Geo. Clarke. 4 pp. *Enclosed,*

402. i. Appointment of Magistrates by Rip Van Dam. Sept. 29, 1736. H.M. Council being duly summoned to attend me in Council as Commander in Chief of this Province, and James Alexander appearing and the rest neglecting to appear *etc.*, so that a Quorum could not be made, to give me their advice concerning the appointment of the following Magistrates of this City, I have in their default appointed Cornelius Van Horne Mayor, Wm. Smith Recorder, Richard Ashfield Sheriff and Richard Nicholls Coroner for the ensuing year. Signed, Rip Van Dam. *Copy, certified by Will. Sharpass.* 1 p.

402. ii. Proclamation by President Clarke. Oct. 1st, 1736. Whereas Rip Van Dam, Esq., notwithstanding his application made at Home to be restored to his place of one of the Council of this Province, hath not thought fit to wait the Royal determination, but having been seduced from his duty and allegiance to his most sacred Majesty by *etc.* factious and evil-minded persons, has



1736. [402 ii.]

presumptuously usurped the administration, and on 29th day of September last, did assume and take upon himself the liberty of appointing Officers *etc.* (*v. preceding*), thereby endeavouring to spread sedition and faction, and raise tumults and disorders *etc.*, I have thought fit, by and with the advice of H.M. Council, to issue this Proclamation *etc.*, requiring all H.M. Judges and Justices of the Peace, and all other officers, civil and military, *etc.*, to prevent and suppress all riots, routs, tumults and disorders *etc.* And for the more effectual prevention of sedition and faction, and suppression of tumults and disorders *etc.*, I do hereby strictly charge and command, that no person do abet, aid, help or assist Rip Van Dam with respect to his usurping or taking upon him the administration of the Government *etc.* *Signed*, George Clarke. Printed by William Bradford. 1 p.

402. iii. Duplicate of Clarke to Council of Trade. Oct. 7.

402. iv. Duplicate of Paul Richard's declaration. Encl. i, Sept. 18, 1736.

402. v. Deposition of Jeffery Cox. 7th Oct., 1736. On Sept. 14th he delivered to James Allexander, with a copy of H.M. 11th Instruction to Governor Cosby, calling upon him not to continue to neglect attending the Council *etc.* *Signed*, Jeffery Cox. 1 p.

402. vi. Deposition of Jeffery Cox. 6th Oct., 1736. Deponent on each of the Council days since 29th April, summoned James Allexander to attend, except on 6 days when he was informed he was out of town, on which days he left verbal notices with his wife *etc.* *Signed*, Jeffery Cox. 1 p.

402. vii. Deposition of Frederick Morrice, Depty. Clerk of the Council. 6th Oct., 1736. James Allexander did not attend the Council meetings April 29th—Oct. 1st. *Signed*, Fredk. Morrice. 1 p.

402. viii. Minutes of Council of New York. Sept. 29, 1736. *Abstract*. The President, George Clarke, with the advice and consent of the Council appointed Mayors, Sheriffs and Coroners for the Cities and Counties of New York and Albany for the coming year. On being informed that Rip Van Dam had yesterday appointed Officers for New York, an attested copy of the said appointment was sent for and entered in the Minutes. *Copy*. 2½ pp.

402. ix. Duplicate of Sept. 18, encl. ii.

402. x. "A Word in Season." City of New York. Sept. 28, 1736. "A freeman of this city," thinks Van Dam is rightly President, and therefore if the Corporation do not submit to his authority, in appointing Officers (*No. viii*), "they may do us the greatest injury that can befall our Charter" *etc.* *Printed by* J. Peter Zenger 2 pp.

402. xi, xii. Duplicates of Sept. 18, encl. iii and v.

1736.

402. xiii. Copy of *The New-York Weekly Journal*, Munday, Sept. 20th, 1736. No. CXLX. Contains the letter printed separately, Sept. 18, encl. iv. *Printed.* 4 pp. [C.O. 5, 1093. ff. 423-425, 427, 428-430, 432, 433, 434, 436-437, 438-446 v.]

Oct. 7.

**403.** President Clarke to Mr. Popple. The following letter [to the Council of Trade] with the papers enclosed will show to what a height faction runs and how eagerly those men would sacrifice the peace of the country to their own private views and what an administration we should have had if Mr. Van Dam had not been suspended. He was ever a weak man and now his great age makes it weaker. It is our great unhappiness that no orders have yet come to me from the Duke of Newcastle or from their lordships. It is that kept the Assembly from sitting and made them desire this adjournment in hopes I should have some in the meanwhile, and it is to keep them from sitting that these virulent papers are published and these vexed steps taken. All the Council that are in town except Mr. Alexander act very heartily with me and Doctor Colden's sentiments, who has been for some time in the woods surveying and intends to be here in about ten days, are set down by his own words. I had a letter from him to-day dated the 27th of the last month wherein is this paragraph which my present situation warrants me to transcribe. "Your prudence and patience in the conduct of the public affairs gives me much pleasure. Your persevering in the same method I think cannot fail of success unless prevented by foreign accidents which a wise man cannot guard against. May you receive your reward in the good effects of restoring peace and content to the inhabitants of this province, and I shall for the promoting of this good purpose do everything in [my] power."

I hope their lordships will now think it highly necessary that Van Dam's suspension be confirmed and expressly declared to be so from the beginning, Alexander dismissed, and Mr. John Moore and Mr. Paul Rickard appointed in their room and I presume to ask your favour in it. You will [settle], sir, their way of writing and I hope that whatever orders are sent they may be so clearly expressed that those men may be driven from all their shifts. And I ask pardon for interposing my opinion and beg you will be so good to move their lordships to some speedy and effectual resolution. Pardon me, sir, for presuming to enclose to you my letters to Mr. Walpole, Col. Bladen and Mr. Leheup. I was afraid some trick might be played me if I had sent them single and I know not which way to guard against it so well as this, and, as they relate to the public affairs, I the more assuredly hope you will forgive. *Holograph. Signed, Geo. Clarke.* [C.O. 5, 1058. ff. 130, 130 v., 131.]

Oct. 7.  
New York.

**404.** President Clarke to the Council of Trade and Plantations. On the 18th of last month we had by the Post the news of Morris's being arrived at Boston; the faction were busy contriving ways to keep the Assembly from meeting on the adjournmt.



1736.

[404]

I gave them at their own request, they thought if the Corporation of the City questioned my authority and refused to submit to it, it would have a great influence upon the members, the majority of the Corporation being intirely at the beck of the faction and for the most part men of a low class were easily perswaded to their measures the aniversary day whereon the Govr. or Commander-in-Cheif nominates the Mayor, Sherriff and Corroner, vizt. the 29th of Sept. being at hand, the Common Council met and sent the Mayor and town Clerk to me to desire I would appoint no officers for the ensueing year or to appoint the present ones, for by the Charter they are to continue till new ones are sworn; they deliver'd their message and told me but not by direction that the Common Council intended to present to me a memorial of wch. they had a draught ready prepared, desiring me not to appoint, and to present the like to Mr. Van Dam pretending they were fearfull of their Charter if they should accept of any officers appointed by me and H.M. should think fit to replace Mr. Van Dam, wn. in truth this was only a fetch to get some acknowledgment that I doubted of my authority and then to spread it abroad to keep the Assembly from meeting. I returned an answer to the message that I would to the utmost of my power protect the City in all their just rights, liberties and priviledges, and in the nomination of such officers as are to be appointed by me I would make the direction of the Charter the rule of my actions and I hoped no man would attempt to make any innovations that may be prejudicial to the City; two days after I gave that answer they held another Common Council and sent some of their members to Mr. Van Dam to ask him if he would appoint, who told them as I am informed that wn. the day of nomination came on he would let them know what he would do; the 29th of Sept. came but no memorial. I summoned H.M. Council in the morning as usual and by their advice appointed the officers of the present year for the year ensueing and sent a copy of the Minute of Council to the town Clerk, the same day Mr. Van Dam sent as I am told to the Aldermen acquainting them that he intended that day to appoint their officers and in the afternoon summoned me and the rest of the Council by a door keeper whom he that day appointed, to meet him in Council at his house but none went but Mr. Alexander who has never since the day of Govr. Cosby's death tho constantly summoned appear'd in Council with me; what Van Dam did will appear to your Lordship by the inclosed paper No. A. The next day I held a Council again and we sent to the town Clerk for that attested copy and order'd a proclamation to be drawn which being prepared against the afternoon was then in Council prefer'd to a Committee who the next morning laid it before the board where it was again read with the amendment the Committee made to it and ordered to be issued, No. B. So soon as it was known that Van Dam had taken this extraordinary step the Council thought it high time for me to remove from my house in town into the Fort where I now am, what or whether the faction have any incouragement from Morris to go this length I can't tell; most people immagine that letters have passed

1736.

[404]

between him and them since his arrival at Boston and suppose that his journey hither has been put off on that account; this is certain that the[y] have in their weekly journal publish'd by their printer Zenger endeavour'd to perswade the people that every man has a right to judge to whom the administration of the Government belongs that if a Governour misbehaves himself they may depose him and set up another; in consequence whereof they prepared a paper and on the 29th Sept. in two of their wards got the people when they were voting for Aldermen to sign it; the other five wards did not or would not sign. I despair of getting it or a copy of it and all the account I can get of it is that they declared Mr. Van Dam had a right to the administration of the Government, in some of the wards the Aldermen refused to offer it to the people and, tho it was notwithstanding spoke of to them by others, yet the people would not sign it; has been said (as I have been informed) by several of the faction at several times that Morris had done what he could but since he could not be heard and that they could not have justice done them at home they must do themselves justice here; they talk of makeing a sacrifice in Zenger's Journal, No. C, and of murdering me for my usurpation of the Government as they call it, No. D. I own I am much surprised Van Dam should by any means be drawn so great a length, tho I know he is a very weak man, it is universally talk'd on and beleived in town that Alexander and Smith, two lawyers and the first one of the Council, gave him their opinion in writeing in very positive terms that the administration of the Government properly and lawfully belonged to him, and that it might have the greater weight Alexander gave his opinion upon oath the day that Van Dam nominated the City officers, but of this I have no proof; however it is generally and firmly beleived, and that this way they drew him into that unwarrantable step; your Lordships may be surprised that so many months pass'd since I have had the administration of the Government in my hands and none of these extraordinary steps taken by Van Dam he should now act in this mad manner; the reason is this they know there is no way by wch. they can distress the Government so effectually as by hindering the Assembly from sitting and have great cause to apprehend that if they should sit the people will see with their own eyes and be no longer led by those who have hitherto misguided them; they had hopes from the precipitate behaviour of the Assembly in the Spring that they would meet no more, but when contrary to their expectations they found they came together in September that they acted more rationally and that the majority sent to me to desire a short adjournment (in hopes that I should in the meantime receive some orders) for notwithstanding Zenger's audacious denial the majority did send the Speaker and another member to me, they resolved to make a bold push and at any rate to attain their ends, and the anniversary day for Election of Aldermen and Common Council and for the nomination of the Mayor etc. being to come about during the time of this last adjournment, they thought no season so favourable as that, I am fully perswaded that if the Assembly sit I shall



1736. [404]

be able to break the neck of the Faction and get the difficiencies of the Revenue made good, and I am bold to affirm to your Lordships that if this Assembly be not continued till the Province is restored to its tranquility, another Assembly will neither make good the difficiencies of the present revenue nor give another but by their presumptuous attempts on H.M. Royal Prerogative will throw the Province into the extreamest convulsions. These City officers whom Van Dam has nominated talk of acting, but how he will give them commissions I can't see. I have the Seal, Commission and Instructions; he must either grant the Commissions in his own name, or in the King's under his own seal. I beg your Lordships to be assured that it shall be my first and principal care to reclaim the people by mild methods without departing from my duty or prostituting H.M. authority; the defection is chiefly confined to the City where the ringleaders of the mallcontents dwell; we here nothing of it from the Counties; if there were not two companies of the King's Forces in garrison here the Faction would probably take arms, but fear I beleive restrains them now. I think the ringleaders have already gone too farr and if they should go further and draw many unthinking and ignorant people in with them I humbly presume it will be necessary that I should have power and Instructions to pardon treason. I am forbid by H.M. 45th Instruction to send home any prisoners without sufficient proof of their crimes to be transmitted with them and I have no regular proof but Zenger's Papers and Van Dam's appointment of City officers; if James Alexander, Wm. Smith, and Lewis Morris, Junr., the authors of those papers wth. their printer Zenger were sent home it would at once put an end to the Faction, and Zenger on promise of pardon might be a strong witness and direct us to others. Your Lordships will see No. E. and F. that Alexander has been duly summoned and never appeared in Council since the last affidavit of this kind that I did myself the honour to send to your Lordships *etc.* Signed, Geo. Clarke. *Enclosed,*

- 404. i. Appointment of Magistrates by Rip van Dam. *See enclosure i* Clarke to Newcastle, 7 October, 1736.
- 404. ii. Proclamation by President Clarke. *See enclosure ii as above.*
- 404. iii. *The New York Weekly Journal*, 20 September, 1736. *Printed. See enclosure xiii as above.*
- 404. iv. *The New York Weekly Journal*. 13 September, 1736. No. CXLIX. *Printed.*
- 404. v. *The New York Gazette*. 6-13 Sept., 1736. No. 567. *Printed.*
- 404. vi. "The Sentiments of a Principal Freeholder offered to the Consideration of the Representatives of the Province of New York." Westchester, September 1st, 1736. *Signed, F.S. 4 pp. Printed.*
- 404. vii. "A Word in Season." City of New York, Sept. 28, 1736. *Printed. See enclosure x as above.*
- 404. viii. Minutes of Council of New York. 29 September, 1736. *Copy. See enclosure viii as above.*

1736.

404. ix. "A letter to one of the Members of the late General Assembly." Printed by John Peter Zenger, 1736. 2 pp. *No signature.*
404. x. "A Word in Season." City of New York. Sept. 28, 1736. *Duplicate of enclosure vii.*
404. xi. Duplicate of Paul Rickard's declaration. *Enclosure i in 18 September, 1736. See enclosure iv in Clarke to Newcastle, 7 October, 1736.*
404. xii. Deposition of Fred Morris sworn before Paul Rickard, Mayor, 6 October, 1736, that James Alexander did not attend the Council meetings of New York, April 29—October 1. *Paper seal. See enclosure vii as above.*
404. xiii. Deposition of Jeffery Cox, Deputy Door-keeper and Messenger of the Council of New York, sworn before Paul Rickard, Mayor, 6 October, 1736, that he summoned James Alexander to attend the Council meetings. *Paper seal. See enclosure vi as above.*
404. xiv. Deposition of Jeffery Cox, sworn before Paul Rickard, Mayor, 7 October, 1736, that he delivered to James Alexander a copy of H.M. 11th Instruction to Governor Cosby. *Paper seal. See enclosure v as above.*

Oct. 8.  
Whitehall.

**405.** Council of Trade and Plantations to the Duke of Newcastle. Encloses extract of a letter from Governor Mathew, relating to an intended descent on the Virgin Islands from Porto Rico. [*C.O.* 153, 16. *p.* 44.]

Oct. 8.  
Whitehall.

**406.** Council of Trade and Plantations to Governor Mathew. Acknowledge receipt of several letters *etc.* from Oct. 1735 to July 1736; also letters to Mr. Popple from Oct. 1735 to April 1736. *Continue* :—We have received from Barbados the same accounts you have sent us concerning the encrease of the number of French inhabitants at St. Lucia and having inclosed to his Grace the Duke of Newcastle *etc.*, such informations as we have received upon this subject, with our opinion concerning the consequences thereof, for H.M. directions, we have at present nothing to add thereto, except that we desire you will continue to give us such further intelligence as you may receive from time to time. We have considered what you wrote in your letter of the 14th of Novr., as also the clause in your Commission giving you power to summon Assemblies, by virtue of which power, you say, you did establish legislatures at Tortola, Spanish Town and Anguilla; but as you have not sent us any answer to that part of our letter of the 13th Aug., 1735, relating to this affaire, we must defer saying anything further to it, until we shall hear from you upon this head, at which time we desire you will likewise inform us, of the numbers, names and characters of those persons whom you have appointed to be of the Council there, in what manner you propose that the Assemblies in those Islands shall be chosen, and of what numbers they shall consist, and as all Assemblymen are by your Commission to be chosen by the freeholders, unless H.M. shall please to dispence with it, we desire you will at the



1736.

[406]

same time inform us, whether any and what land is held by the inhabitants of these islands, by what title they hold the same, whether by grants from the Capt. General of the Leeward Islands, or by any other tenure. You will in short, give us every other information concerning these and all the Virgin Islands, which you think may any way tend to the enabling us to lay this affaire before H.M. for his directions thereon. In your letter of the 31st of May last you mention the desertion of several of the inhabitants of the Leeward Islands from thence to Sta. Cruz, upon the offers and encouragements of the Danish Govr.; you likewise mention the information you have received from Tortola and Spanish Town, that the Spaniards were fitting out from Porto Rico and Hispaniola a force to drive the Danes from Sta. Cruz, and to ravage and plunder Spanish Town and Tortola. We are very much concern'd at this intelligence and have sent an account thereof to the Duke of Newcastle. Since the unhealthyness of Sta. Cruz does not prevent H.M. subjects under your Government going thither, we can only recommend it to you to use your best endeavours to keep them at home, and we must likewise recommend it to you, to be as much as possible upon your guard, on account of the expedition from Porto Rico, or any other place to molest or ravage the Virgin Islands. Upon this occasion, we think you did very well to give Capt. Brand notice, who, we do not doubt, would do his utmost for the protection of H.M. subjects and Dominions, and with regard to such force, as you may at any time be obliged to send to the Virgin Islands for their safety and protection altho' we can give no directions for defraying the expence thereof yet we shall not fail recommending the same to H.M. whenever it shall happen. As to what you have wrote concerning the murder of a man at Tortola, all that we can say at present is, that in the year 1725, Colo. Hart, who was then Govr. of the Leeward Islands, sent us an account of one white who was try'd and condemn'd at St. Xtophers for the murther of a man at Spanish Town upon which he desired our directions; we referr'd this matter to the Attorney and Solicitor General, and in Feby. 1735 we sent a copy of their report upon that affaire to Colo. Hart for his direction in that and any cases of the like nature, altho we suppose that reports of so much weight and consequence, are always registered in the Secretary's Office in your Government, yet least that report should be mislaid, we now inclose another copy thereof, for your guidance until H.M. shall think fit to establish a form of Government in the Virgin Islands. We have lately received from you three Acts, among others, which appear to us of a very extraordinary nature and importance, two passed at Antigua and Montserrat in April and June last of the same tenure, and each entituled, an Act for *ascertaining the value of all gold and silver coins, passing in this Island, and introducing English copper coin* and the other at Montserrat the 5th day of June, 1736, entituled an Act for the *more effectual preventing all trade in these parts between H.M. subjects and the French*. The two first of these Acts have a suspending clause inserted in each of them to prevent their

1736.

[406]

taking effect till confirm'd by H.M. according to your Instructions, but we are very much surprized that you should have given your assent to ye latter it being a manifest breach of yr. Instructions to give yr. assent to any law of so extraordinary a nature and which may be attended with such consequences without the said clause. These laws being but lately come to our hands, we have not yet fully considered them, but shall take a proper opportunity of laying them before H.M. We observe what you have wrote concerning Mr. Dunbar's supplying the two vacancies in the Councils of Montserrat and Nevis occasioned by the deaths of Mr. Frye and Mr. Abbot, and to the necessity you tell us you shall be under of appointing a councillor in each of those Islands for want of a sufficient number. As this necessity does not appear to us from the lists of those Councils in our Office, we must desire you will immediately send us over an account of the names and number of the Councillors of each of the respective Islands under your Government who are present thereon, as also of those who are absent. And that you will at the same time inform us who are absent upon leave, from whom they received such leave and for what time they have leave of absence; we desire you will constantly send us this account together with the names of persons proper to supply vacancies in the Council, which by the 9th Article of your Instructions you are required to send to us from time to time when any of the persons by you already recommended shall dye, depart out of the said Islands or become otherwise unfit, that a list of six persons fit to supply vacancies in each island may be always compleat. PS.—We have taken no notice hitherto of what you wrote in your letter of the 17th June, 1734, concerning the Spanish ship you mentioned to have been wreck'd at Tortola, because no complaint has been made here of that affaire. However we hope you take the best informations you can get against such persons as were concerned in that affaire, that they may be prosecuted for it, when a legislature shall be established there, and with regard to the expression you have us'd, vizt. *a Spanish ship wreck'd*, we imagine you mean, *stranded*, because you inform us of the ill usage some of the passengers on board met with from the inhabitants of Tortola. [C.O. 153, 16. pp. 45–53.]

Oct. 12.  
Whitehall.

**407.** Mr. Popple to Mr. Fane. Encloses collection of Acts of Montserrat, and requests his opinion in point of law upon six of them. [C.O. 153, 16. pp. 53–55.]

Oct. 14.  
New York.

**408.** President Clarke to the Duke of Newcastle. I beg leave to do myself the honor to inform your Grace that on the 12th instant the Assembly met according to my adjournment and spent that day in debating the legality of my administration without putting the Speaker in the Chair, I adjourned them to yesterday, when they were to put the question whether or no they should sit and act, it is thought, and some of them told me, they should be able to carry the question for sitting; however, early in the morning before the House met, I had the honor to



1736.

[408]

receive H.M. additional Instruction dated the first of June directing the form of prayer for the Royal Family, I immediately summoned the Council and in their presence opened it, and the news being presently spread through the town most of the Assembly came to me, to whom I shewed it, they expressed much joy, went strait to the House, put the Speaker in the Chair, and adjourned themselves to this day, when I sent for them as usual and made my speech to them ; they appear to be very unanimous and I hope a good effect from the Session which the Season of the year will make very short : The universal gladnes that appeared on my receiving that Instruction was as great as ever I knew it, and I hope the spirit of faction is now intirely broke ; The Corporation came all to me to-day with the Mayor whom I swore as usual in their presence tho three only of their Aldermen are by their Charter to attend him. The first day the Assembly met they asked Morris if he knew of any orders or Instruction prepared or preparing for me, he stood up and in a solemn manner declared that he knew of none and believed I should have none ; and tho we had an account from Boston soon after Morris's arrival there, for he came that way, that he and his son had said that Van Dam was not restored, nor he believed would be till a Governor arrives, that in the meantime the Government properly belonged to me, and that the son said he saw this very Instruction made, or making out for me, and that he offered to bring it, yet the son deny'd it in Zanger's Journal of the 11th instant, and said he believed that I should have no such orders nor any other order relating to the Government. These confident declarations of the father and son startled the Assembly, and confirmed the disaffected people in their opinion that the administration of the Government belonged to Van Dam who, its said, was resolved on this day to swear the Mayor and other officers whom he had appointed into their places, which might have been attended with fatal consequences, for I must have maintained H.M. Royal authority, and have protected and assisted his magistrates ; but the Instruction came very opportunely to prevent evils and to give the people who before favoured him a vile opinion of Morris. Tho' it is much in my nature to act with gentleness, and to forgive private injuries, yet I think so many bold and daring insults on H.M. Government, and some of them very near if not high treason call for some severe notice : I pity Van Dam and heartily wish he could be distinguished from the rest, for he is really incapable of judging for himself, and has been wholly guided by Alexander, Smith, Morris and his son ; I wish I could say that it is not generally believed that Captain Morris has had as great a hand in keeping up the spirit of faction as any man, but of that I have no regular proof, Mrs. Cosby knows his behaviour very well. It is believed that Alexander will apply in England for H.M. pardon, but surely my Lord no man ever deserved it les, 'tis to him as much or more then to any one that all the past sedition is owing. Van Dam has been only a tool in his hands, and I presume to think is to be considered in this case as an idiot, he is alrede severely punished in his purse for Morris, Alexander

1736.

[408]

and Smith have undone him, he is an object of H.M. mercy and I truly wish he had it, notwithstanding he would have shewn me none had I been in his power ; for the others, they may be punished and no man pity them, for even the mob who lately favoured them for Van Dam's sake, would now for his sake too, see them fall without regret. So sudden a turn as things have taken is easily seen, every man rejoices or seems to rejoice on the occasion, those who two days ago cried Hosanna to Morris, now cry crucify him : I humbly beg your Grace that I may have orders how to proceed against these delinquents, at present I am pleased with the happy turn without appearing to have further views, lest too many should be driven to despair, but when things are settled, and the memory of them grown staler, I shall then be able without fear of new disorders to execute whatever commands I receive. A gentleman who is going to Boston waits for this, where I hope it will find a conveyance, I therefore intreat your Grace's pardon for whatever faults my haste may have committed, *etc.* Signed, Geo. Clarke. *Holograph. 4 pp. Enclosed,*

408. i. President Clarke's Speech to the Assembly, 14th Oct., 1736. *Abstract.* As they have by the resolve of the House engaged the public faith to make good the deficiencies of the revenue, expects that, from their well-known loyalty and duty to H.M., now cheerfully and effectually provide for it. Shipping is carried on to a large extent in the neighbouring Provinces and has become a considerable part of their returns to Great Britain, but has been much neglected in this Province. Recommends it to their consideration, and the further encouragement of hemp, for which Great Britain has long extended her bounty, though they have not yet taken hold of it. For the markets for their flour, the present staple of the Province, are so much overdone by great importation from this and other Northern Colonies, that unless some manufactures be set on foot, that are wanted in Great Britain, or do not interfere with theirs, there will be no way to employ the people to their advantage. *Recommends* provision for finishing the fortifications. Fort Hunter is in a very ruinous condition, and hardly to be repaired at a less charge than would build a new one. The principal end for which it was built, to cover and encourage settlements in that part of the Mohawks' country, is happily attained. *Continues :* If a new Fort be built on the carrying place, at the upper end of the Mohawks' country, and the garrison of Fort Hunter be removed thither ; this will cover the whole Mohawks' country, fix an easier communication between all the frontier garrisons from Albany to Oswego, be a safe repository for the goods that must be landed there, in passing to and from Oswego, and be a sure protection to that trade and country at all times ; a small sum of money will do the work. The House at Oswego wants some present repairs, *etc.*



1736. [408 i.]

The Commissioners for Indian affairs represent the necessity of sending a smith and some other persons to reside for a year in the Scrinakaa's country, with some small presents, to secure the fidelity of that nation. *Hopes* they will provide for this, and that their debates will be guided by moderation etc. *Printed.* 2 $\frac{3}{4}$  pp.

408. ii. Copy of President Clarke's letter to the Council of Trade and Plantations, Oct. 18. [*C.O.* 5, 1093. ff. 447-450, 451, 451 v.]

Oct. 15.  
Whitehall.

**409.** Council of Trade and Plantations to Lt. Governor Gooch. *Acknowledge* letters and enclosures etc. of 18th July, 5th and 26th Nov., 18th Dec., 1735, and 19th May, 1736. *Continue* :—In regard to the reasons you have offer'd (Dec. 18) in behalf of the Act of 1723 *to prevent free negroes and mulattoes voting in elections*, we shall let that Act ly by. We should have wrote to you before now on the subject of Mr. Ball's proposal for curing tobacco etc. (v. July 18, 1735), but that we waited to have some account from you of the success of his experiment, according to your promiss : But not having heard from you upon this head, we desire that in your next letter you will give us some account of it : However we can't help observing that Mr. Ball has misinform'd you, by saying that he communicated his scheme for this purpose to our Board by the means of Mr. Tomlinson, and that we had approved thereof. We shall be glad to hear that the project commenc'd in Virginia for making of wine does succeed. With regard to what you have wrote, concerning the propos'd grants of land on the westward of the great mountains of Virginia, we are of opinion with you that they may be of advantage, and may prevent the French extending their settlements on the Lakes, and as we cannot foresee any objections to the granting of land there as proposed, when the controverted bounds of Lord Fairfax's grant shall be settled, we hope you'll give all possible dispatch thereto. We have reconsiderd what you write in favour of the liberty of importing salt directly from Portugal. But notwithstanding that it may probably be of some advantage to Virginia, yet we apprehend it may be very difficult, if not impracticable, to obtain that liberty. PS.—Since the writing of the above letter we have received yours of the 12th Augt., and are very glad to find so good a correspondence between you and the people, which we hope may continue. [*C.O.* 5, 1366. pp. 136-139.]

Oct. 15.  
Edenton.  
N. Carolina.

**410.** Governor Johnston to the Council of Trade and Plantations. It is now above a year since I had the honour to hear from your Lordships except a few lines by Mr. Popple in December last, concerning Mr. Litle's books. When I first appointed Mr. Allen Receiver I ordered him to demand all the papers, relating to the Quittrents from Mr. Litle's executors, and then he could get no more but three loose sheets of paper which gave no manner of light into that affaire. If I could have procured anything which would give the least information, I had certainly transmitted it to your Board before this time. It is a very great

1736.

[410]

loss to this Province that we have not the Attorney Genl.'s opinion as to the validity of those pattents referred to him, I must beg the favour of your Lordships to advise H.M. to determine them speedily in such manner as you shall think most proper, this long suspence keeps the whole country in great confusion and I shall be heartily glad to see any issue to it, rather than have it remain any longer undetermined. If your Lordships should advise the King to allow of them all, it is only the loss of five or six hundred pounds p. ann. to the Revenue, provided care is taken that no new ones which may be kept in petts and have never been recorded be trumped up, for if that is not guarded against, they may lay them on any bodie's land they please and private property may suffer much by peoples' being robbed of their improvements who have taken up land under H.M., as the others had; and perhaps still have the power of filling up the date of their pattents, as shall best suit them. In order to settle this whole affaire, to doe justice to H.M. and at the same time shew favour to the possessors of these pattents (tho' I can't say their behaviour deserves much) I will venture with submission to propose the following expedient to your Lordships. Primo. That as the most considerable frauds in lands, have been carried on since the year 1724, that no pattents or titles preceeding that year shall be called in question on any pretence whatsoever. 2nd. That all persons who hold lands by pattents since the year 1724 if they have built upon or cultivated the same shall have them confirmed at the quittrents mentioned in their pattents, provided such pattents were preceeded by regular surveys. If not regularly survey'd, they may still have them at H.M. Quitt rents. 3rd. That no pattents for lands since 1724 which were never cultivated or built upon, shall be deemed valid or good unless they were preceeded by regular surveys. 4th. That all pattents in the name of the Lords Proprs. since the soil became vested in H.M. be declared void, but to such as have cultivated even under these pattents a liberty be given to take up the lands at H.M. Quittrents. This is the best that I can think of, but I once more repeat my request to your Lordships to putt an end to this controversie one way or other and I shall most chearfully doe whatever you are pleased to direct. There is another thing in this Province which occasions much debate and controversie amongst the people viz. the payment of their Quittrents in commodities. There is no law in the Province positively allowing this, and the Lords Proprs. demanded payment in gold and silver. But as they were very ill and negligently served by their officers here (the bad effects of which we their successors still feel) they took their rents in any commodities they pleased to give them. The people are willing now to pay in the following commodities and at the following prices. Tabacco at 8s. 4d. p. hund., rice at 10s. p.c., deer skins at 2s. 6d. p. li, hemp at 3d. and flax at 4d. p. li. But then they propose payment at so many different places that it would take more than one half to defray the charge of collecting, besides the loss one would be at in disposing of them in a country where the navigation is so indifferent



1736.

[410]

and the disputes might be occasioned about the goodness of the of the commodities. What they really want to be at is to pay their rents in tobacco and rice at the prices above mentioned, but as my Instructions are positive to receive the King's rents in proclamation money only, I have always insisted on their passing a law in conformity to them and after getting this proof of their obedience then to address H.M. to allow payment in their commodities and this method I design to continue in until I receive further orders from your Lordships. I have sent along with this the original bills as read the first time in the Lower House for payment of Quittrents and officers' fees. That your Lordships may see what strange unaccountable notions are instilled into the people by the late Lords Proprs'. officers and the possessors of the blank pattents, if ever your Lordships should be of opinion that they may be permitted to pay in commodities, it would not be amiss to reject both tobacco and rice, as these two products are already so much overdone the one in Virginia and the other in South Carolina, and if this large fertile country should run into the same it might sink their price, already low enough, still more, but to confine them to flax and hemp. The former at 30s. and the later at 20s. p. hundd., which might produce this good effect to sett them upon raising these two usefull materiels for the Brittish manufacture, and these commodities ought to be collected at the country's charge as tabacco is in Virginia and paid in neat to the Receiver: it is true in this case we must have sherrifs as they have in Virginia, for the Provost Marshall and his deputies will never be able to do it. Indeed their are a thousand inconveniences in this wide extended country for want of sheriffs, and the people are strangely bent upon having them established by a law, and in case they will give a consideration to the gentleman who enjoys at prest. the place of Provost Marshall and who has behaved extreamly well, I should be glad to have your Lordships' directions whether I might venture to give my assent to such a law. One thing I am sure of, it is impracticable to goe on as we are at present. There is another notion the same possessors of blank pattents have carefully inculcated upon the people and which I cannot get the better of without a speedy declaration of your Lordships' judgement upon it. My Instructions require the payment of Quittrents in Proclamation money which I understand to relate only to the rents under the King of 4s. p. hund. acres; but these gentlemen want to extend it to the old rents of six pence, one shillg. and two shillings p. hundred acres, which before H.M. purchase was always paid in sterling money without the least dispute and accordingly for their own lands, which as they have managed matters are almost all at sixpence or one shilling p. hundd. They offered fourpence halfpenny and ninepence to the Receiver but I did not care for sinking  $\frac{1}{4}$  of H.M. Revenue upon what appeared to me so far fetched an inference and so oblidged them to pay sterling as formerly. I hope I shall soon hear from your Lordships on this head also. There is a practice of long standing in this country, which has been of immence prejudice to the Revenue of the Lords

1736. [410]

Proprs. formerly, and of the Crown now, that is the boxing of pine trees for turpentine and burning the light wood for pitch and tarr, without ever taking out pattents or paying Quittrents for the lands, which has entirely prevented their being taken up by any person, they being generally of litle value for any other purposes, and by this means in many parts of the country the lands are waste and not a house to be seen in travelling a great many miles together. A few months after my arrival I published a Proclamation with the advice and consent of Council, offering a reward of £20 currency to any person who would discover such practices, so that they might be prosecuted in the Court of Exchequer. This has very much disoblidged those who used to make great gains by such means. I cannot forbear observing here, my Lords, that my condition has been very hard since I came here, purely because I have been so assiduous in taking care of the interest and rights of the Crown, which is a very new thing in this country. In the time of the Lords Proprs. their officers collected the rents in a very incorrect, slovenly manner and what they did collect was generally sunk among themselves. My predecessor under the King never once attempted to collect H.M. Quittrents, or gave himself the least trouble about any part of the Revenue, as far as I can learn. Besides, he gave several persons here a copy of all even his most private instructions, which has sett them (supposing mine to be the same) a cavilling and making strange inferences on every one of them, and as if all this was not enough, he has by several letters to people here boasted of many audiences at your Lordships' Board, that both H.M. and your Lordps. entirely disapprove of my calling any fraudulent pattents into question, of collecting the quitt rents in the manner I have done and in short of every step I have taken, and he neglected, for H.M. service, intreating them to send over complaints and all the scandalous stories they can pick up against me and he would speedily do my busieness and gett them another Governor who will suffer things to go on in the old way; as those letters have been read in the feilds of election and other publick places, it is natural to belive that in persons who were never brought into any order before, they must produce bad effects and make them highly insolent. I am sure I have found it very difficult to carry on busieness upon the account of these confident assertions that my conduct is entirely condemned by your Lordships. I am very sensible how unjustly he has charged your Board by such suggestions as these. But still I must entreat that your Lordships would be so good as by the first opportunity to acquaint me with anything which you may think amiss in my conduct, and to favour me with a hearty approbation in what you shall judge I have done according to my duty and Instructions and assurances of being supported in it, that I may have something to shew against my predecessor's assertions. It has been a great impediment to H.M. service, that I have not had something of this nature before, for your Lordships' declaring in such strong terms in favour of a Court of Exchequer has quite silenced all the clamours Mr. Burrington's freinds made on that subject. Besides my Lords



1736. [410]

I am realy very diffident of my own judgement in any matters of consequence until I find it confirmed by yours, upon which I always have and will depend. The Receiver has collected of the arrears of H.M. Quittrents since 1729 above £4,200 sterling, which is more than ever was collected in this country, but my predecessor's correspondents (who are highly blamed by him for their tameness in paying the arrears) are by his encouragement making strong parties to oppose the next collection, tho' by your Lordships' speedy answer I make no doubt I shall soon get the better of them. The accounts are sent to the Lords of the Treasury by the Receiver. I sent your Lordships the only copies of our laws I could procure last December, with such remarks as my bad state of health would then permitt me to make. I did venture at that time to desire you to advise H.M. to repeal as soon as possible the Biennial Law and to order that no precinct should on any pretence whatsoever be represented by more than two members and to discharge me from consenting to erect any new precinct w[ithout] H.M. permission. I am still confirmed in my opinion [*in*] this matter and I am satisfied we shall never have a reasonable Assembly while this Act subsists. I have by this conveyance sent an attested copy of the said Biennial Law and shall only observe : 1st. That it is highly unreasonable that any Assembly should presume to meet without H.M. writt, and therefore I dissolved them when they mett last. 2nd. The six precincts in the County of Albemarle have in each five members making thirty, and the number of people in it is I am sure not fifteen thousand, which is by much too large a representative. 3rd. The whole Lower House by this means consists of fourty-six and it is impossible to pick out in the whole Province so many fitt to do busieness. 4th. The greatest objection is that there must be a new election every two years, which is too short a time to setle a country which has been so long in confusion, and men of sense who sincerely mean the publick good are so much afraid of the next elections that they are oblidged to go in with the majority whose ignorance and want of education makes them obstruct everything for the good of the country even so much as the building of churches, or erecting of schools, or endeavouring to maintain a direct trade to Great Brittain. If your Lordships approve of this, I beg no time may be lost, but I may have this repealed by the way of Virginia and South Carolina by June next at farthest, and the Governors of these provinces may have orders to forward it. This one thing would contribute to the quiet and settlement of this country more than I am able to express. Inclosed I send your Lordships an estimate of the charges in running the line between this Province and South Carolina. I must do the gentlemen concerned the justice to say, that they performed their busieness with great dilligence and exactness, that they endured very great fatigues and were at great expences. Before they finish this affaire, they want to be directed by your Lordships where to apply for payment whether to H.M. or to the Assembly here. I have according to your orders sent a state of the currency of this Province, *etc.* Signed, Gab. Johnston. Endorsed, Recd. 16th, Read 17th Dec., 1736. 7 pp. Enclosed,

1736.

410. i. State of the currency of N. Carolina. Analysis of Acts for issuing paper bills since 1722-1734. Amount now circulating, £52,500. *Endorsed as preceding.* 2¼ pp.
410. ii. Copy of Biennial Act of N. Carolina. *Same endorsement.* 4 pp.
- 410 iii. Bill for providing H.M. a rent roll for secureing H.M. qt. rents for the remission of arrears of quit rents and for quiateing the Inhabitants in their possessions and for the better settlement for H.M. Province of North Carolina. Read the first time and passed in Assembly, 9th Oct., 1736. Read in the Upper House the first time and rejected, 11th Oct. *Same endorsement.* 17½ pp.
410. iv. Act for ascertaining and regulating publick officers' fees and offices. Oct. 1736. *Same endorsement.* 16 pp. [C.O. 5, 295. ff. (with abstract) 39-58, 59, 60 v., 62-70 v., 71 v.]

Oct. 18.  
New York.

**411.** President Clarke to the Council of Trade and Plantations. It is with pleasure not to be expressed that I do myself the honour to inform your Lordships that when Morris and his son, Smith and Alexander had wrought the people up to a pitch of rebellion, and they were the next day determined to commit some open act, I had the honour on the 13th instant to receive H.M. Instruction directed to me ordering the Form of Prayer for the Royal Family; I immediately summoned the Council and opened it in their presence and communicated it to them; the members of the Assembly were then going to meet to determine whether or no they would sit, but hearing of the Instruction most of them came to me to whom I shewed it, they went strait to their house put the Speaker in the Chair and adjourned to the next day when I sent to them and spoke to them as your Lordships may be pleased to see in the inclosed, telling them after I had made my speech that the Council were to sit by themselves without me. So sudden a turn and so universal a joy upon the signification of the Instruction are rarely heard of; the common cry now runs against Morris chiefly, and against those others that I named every one pitys Van Dam and so do I too, he has been misled by them who took hold of his weakness, and I hope whatever orders are sent about the others he will be favourably dealt with. The Assembly have but a short time to sit because of the approaching winter, the tenth of November being the latest day that sloops venture up the river, what they will be able to do in that time I can't tell, they are in very good temper. I am perfectly easy in my administration and make no doubt if H.M. will be graciously pleased to continue me in it for a time, I shall be able to put the province in a more flourishing condition then it has hitherto known, etc. *Signed, Geo. Clarke. Hol. 2 pp. See encl. ii in Clarke to Newcastle, 14 October, 1736. [C.O. 5, 1058. ff. 157, 157 v. Copy in 5, 1093. ff. 451, 451 v., 452 v.]*

Oct. 21.  
Whitehal.

**412.** Council of Trade and Plantations to the Queen, Guardian of the Realm etc. Proposes for Council of Montserrat John



1736. [412]  
 Roynon and Randal Fenton, in the room of Anthony Hodges and John Roberts, who have been residing in England for some years, and Governor Mathew having represented to the Board the difficulty he is under to get a Quorum *etc.* [C.O. 153, 16. p. 55.]
- Oct. 21. **413.** Petition of Samuel Graves of Kingstown, N.H., to  
 Portsmo. Lt. Gov. Dunbar. *Abstract.* Eight years ago petitioner settled a grant of land which he had from the town of Kingstown. Some persons under pretence of a grant of the same land from the town of Haverill in the County of Essex in the Massachusetts Bay, commenced suits against him in the Courts of the County of Essex. Petitioner pleaded that they had no jurisdiction, for the land lay above 15 miles north of Merrymack River, but he was cast imprisoned. In 1734 a judgment was obtained against him at the suit of some Haverill men, but was stayed by advice or order of Governor Belcher until such time as the lines might be settled. But in Sept. last the Sherrif of Essex County and 13 Haverill men seized deponent upon an execution granted out of that Superior Court concerning the said lands saying that the Governor had taken off above order, for that the lines wd. never be settled *etc.* Petitioner being poor and aged prays H.E. to lay his case before the Council of Trade *etc.* *Signed,* Samuel Graves. *Endorsed,* Recd. (from Mr. Paris), 23rd Dec., 1736, Read 13th Jan., 1737. 1 $\frac{3}{4}$  pp. *Enclosed,*
413. i. Deposition of Samuel Graves. Oct. 21, 1736. Confirms above statement on oath. *Signed and dated as preceding. Subscribed.*
413. ii. Certificate by Lt. Gov. Dunbar, Oct. 22, 1736; commending above petition to the Board. Petitioner's house is more than ten miles from any part of Merrimack River. Several inhabitants at Londonderry at ye like distance from ye river apprehend ye same treatment, and were determined to resist at all costs. *Signed,* David Dunbar. *Same endorsement.* 1 p. [C.O. 5, 879. ff. 90-91 v.]
- Oct. 22. **414.** Mr. Popple to Mr. Fane. Encloses, for his opinion in  
 Whitehall. point of law, 9 Acts of N. Carolina, 1734, 1735. [C.O. 5, 323. ff. 119 v.-120 v.]
- Oct. 22. **415.** Mr. Popple to President Hamilton. My Lords Com-  
 Whitehall. missrs. for Trade and Plantations command me to acknowledge the receipt of your letter of the 8th of April last, acquainting them of the death of Mr. Anderson late President of the Council and Commander in Chief of New Jersey, since the death of Colo. Cosby and to acquaint you that their Lordships do not doubt. but you will use your utmost endeavours for H.M. service and the peace of the Province. Their Lordships upon reading your state of the Council of New Jersey, are surprized to find you mention but five Councillors present in ye Province, because in August 1735 their Lordships recommended to H.M. John Schuyler, Thomas Farmer, John Rodman, Richd. Smith, Robert Lettice Hooper,

1736.

[415]

and Joseph Warril, Esqr. to supply the places of Messrs Baird, Johnson, Parker, Smith, Morris and Alexander. If these gentlemen whom my Lords have been pleased to recommend to H.M. for Councillors in New Jersey will not take the proper care to get their warrants for that purpose pass'd thro' the several offices, my Lords will think themselves obliged to recommend some others to H.M. lest the Council should so far be reduced as not to be able to make a Quorum to transact the business of the Province. You will therefore please to inform them thereof etc. [C.O. 5, 996. pp. 392, 393.]

Oct. 22.  
Whitehall.

**416.** Mr. Popple to Mr. Oglethorpe. *Encloses* copy of Monsr. Geraldino's memorial, and desires that he will send an answer as soon as conveniently may be. *Continues* :—I am likewise to desire you will inform yourself, whether the English have at any time, before the establishment of the fort on the Alatomaha River, called King George Fort, made any settlements to the southward of that river? If any how far? What nations of Indians are in possession of land between that river and St. Juans? If any, from what time they have been so; and whether they have ever acknowledg'd any dependence on the Crown of Spain? And how long they have own'd their dependence on the Crown of Great Britain? You will likewise please to inform yourself, whether the Spaniards ever had any settlements to the northward of St. Juans, or even anywhere in Florida except at St. Augustine. [C.O. 5, 401. pp. 182, 183.]

Oct. 22.

**417.** Mr. Chaloner to the Council of Trade and Plantations. Refers to his petition of 7th Oct. Has since obtained depositions in confirmation of facts alleged therein from Florentius Cox and John Yerwith, late inhabitants of Providence (v. Oct. 28th). As they are obliged forthwith to sail for S. Carolina, he prays that they may be examined before the Board before their departure etc. No confirmatory depositions can be obtained from the inhabitants still on the island owing to their fear of the Governor etc. *Signed*, Chaloner Jackson. *Endorsed*, Recd. Read 22nd Oct., 1736. 2 pp. [C.O. 23, 3. ff. 166, 166 v., 169 v.]

Oct. 22.  
Whitehall.

**418.** Mr. Popple to Lt. Governor Ogle. Acknowledges letter of 7th April with enclosures. *Concludes* :—But as your letter was not received in this Office till the 19th of August last, the account therein inclos'd was of no service to their Lordps. in the framing their Representation to the House of Lords, for which purpose it was desired. [C.O. 5, 1294. p. 96.]

Oct. 22.  
Whitehall.

**419.** *Same* to Governor Talcott. Acknowledges letter of 28th Oct., 1735, with enclosures, not received till 12th April, 1736. *Concludes as preceding*. [C.O. 5, 1294. p. 97.]

Oct. 22.  
Whitehall.

**420.** *Same* to Governor Wanton. Acknowledges letter of 1st Dec., 1735, received 4th Feb. *Concludes as preceding*. [C.O. 5, 1294. pp. 97, 98.]



1736.

Oct. 22.  
Whitehall.

**421.** Council of Trade and Plantations to the Duke of Newcastle. *Reply to 3rd July and 27th Sept. concerning Spanish complaints against inhabitants of Georgia for having extended their settlements into the bounds of Florida.* *Continue* :—As all those papers relate chiefly to the true southern bounds of H.M. Province of S. Carolina, we take leave to send your Grace inclos'd an extract of our Representation of 20th June, 1728, by which H.M. undoubted right to the lands in those parts will appear. However, lest it should be thought necessary to produce any further proofs *etc.* to support H.M. title, we have wrote to the Commander in Chief of S. Carolina, and desire he will procure from the oldest inhabitants of the Province the best information he can get, and when we shall receive the same, we will, if necessary lay them before your Grace ; We have also sent a copy of Monsr. Geraldino's memorial to Mr. Oglethorpe for his immediate answer *etc.* In the meantime, we cannot forbear taking notice to your Grace, of that part of Monsr. Geraldino's memorial wherein he says " *Après quoy les memes habitants de la Georgia, avoient batty une fortesse sur les territoires de la domination de la Florida, a vingt cinq lieues au nord de la place de St. Augustine, à l'entree de la rivière de St. Simon, dans laquelle ils avoient suis garrison pour la soutenir ; nonobstant que dans le tems passe, les habitants de la Caroline qui avoient batty une fortesse dans le meme endroit vont fait abattre par ordre de la Cour d'Angleterre, a la requisition de celle d'Espagne.* " But Monsr. Geraldino must have been very much misinformed of the state of this case, for Captain Massey who commanded that Fort, finding the place whereon it was erected an unwholesome situation, left the same for that reason only, having obtain'd leave for that purpose from the Council and Assembly there. But as this was done without any directions from England we did in our Representation to H.M. of 1st Dec., 1727, propose to H.M. that orders should be sent without loss of time for resuming possession of that fort *etc.* By which it will appear, that this fort was neither quitted by any order from hence, nor on the application of the Crown of Spain. Your Grace will please to observe that Monsr. Geraldino and we have quoted the Treaty of Madrid in 1670, and this same Article but for very different purposes, for he mentions a description of Florida as settled by that Article : whereas upon perusing that Article we find no such description ; but whatever lands ye subjects of the Crown of England were in possession of at that time, in America, are thereby confirmed to them for ever. *Autograph signatures.* 2 $\frac{2}{3}$  pp. *Enclosed,*

421. i. Extract for Representations. Dec. 1, 1727 and June 20, 1728. v. C.S.P. under dates. [C.O. 5, 383. ff. 47-48, 49-50 v., 52-53 v. ; and (without enclosures) 5, 401. ff. 176-179.]

Oct. 22.  
Whitehall.

**422.** Council of Trade and Plantations to Lt. Governor Broughton. There being some matters at present under our consideration, relating to the southern bounds of Carolina, we desire you will procure, and transmit to us by the first opportunity,

1736. [422]

the best informations you can get concerning the same ; particularly whether any settlements have ever been made by the English to the southward of the Alatomaha River, and if any how far, as likewise whether the Indians, between that river and St. Juans, do not own an allegiance to the Crown of Great Britain. We likewise desire you will inform yourself whether the Spaniards had ever any settlement to the northward of St. Juans river, or even any part of Florida but at St. Augustine, as these enquiries may be of consequence to H.M. interest in the Province of South Carolina. We make no doubt but you will use your uttmost dilligence therein and send us an answer thereto as soon as possible *etc.* *Acknowledge* letter of 2nd Feb. *Continue* :—But as we did not receive the same till the latter end of April, it came too late to be inserted in the Representation which we made to the House of Lords *etc.* PS.—The foregoing enquiries take their rise from a memorial by Monsr. Geraldino *etc.* *Enclose* copy for his remarks thereupon. [*C.O.* 5, 401. ff. 180, 181.]

[Oct. 25.]

**423.** Petition of William Shirley, H.M. Advocate General in New England, to the Council of Trade and Plantations. *Prays* that a salary may be attached to his office, payable to the Treasurer of the Navy, as in the case of the Surveyor General of the Woods. Petitioner after practising the law in England and New England for many years, accepted this post upon the earnest entreaties of the Governor, 26th Sept., 1733, under the Seal of the High Court of Admiralty. It requires constant, expensive and laborious attendance, owing to the great extent of country and there being no Attorney General in most of the Provinces, or only such as is chosen by the people. The whole weight of prosecutions in the Customs, therefore, lies on petitioner, and especially the seizures and prosecutions of loggers, in regard to which the country in general make a common cause against the Crown. He has not one shilling of fixed salary, nor yet of fees, *etc.* *Signed*, Fra. Shirley, *for the Memorialist.* *Endorsed*, Recd. (from Mr. Paris) 25th Oct., Read 11th Nov., 1736. 1 p. [*C.O.* 5, 879. ff. 74, 75 v.]

Oct. 25.  
Amboy.

**424.** President Hamilton to the Duke of Newcastle. *Refers to* letter of 8th April. *Continues* :—On the 14th of this month I recd. a letter from Col. Lewis Morris dated at New York telling me he intended to come to Amboy and take upon him the Government of this Province by virtue of H.M. Commission and Instructions to the late Governor and desired me to summon a Council in order to his being sworn. A Council mett the 20th instant, and I sent to tell Mr. Morris the Council were sitting and ready to hear what he had to offerr. Accordingly he came and, after the Council had heard his reasons for demanding the Government, they were of opinion he had no right therto *etc.* *Refers to* Minutes of Council *enclosed.* *Continues* :—I humbly hope your Grace will approve of our proceedings and lay them before H.M. that I may have his royall pleasure signified to me which will imediatly put an end to any disturbances may happen here



1736.

[424]

through Col. Morris's means. Your Grace must know his character from the great opposition he made to the late worthy Governor Coll. Cosby both here and at home, and his behaviour in New York since his return thither from England *etc.* determined the Council to declare his place amongst them void. I once more beg leave to represent to your Grace the great inconveniency this Province lyes under for want of a sufficient number of Councillors, there are only the four that signs the report can meet and those live att so great a distance from each others that lett the emergency be ever so great it is impossible to gett them together in less then eight and forty hours. Mr. Alexander, one of the present Councillors, lives intirely att New York and it is above thirty years since Coll. Morris removed with his family out of this Province, and with all due submission I should think no gentleman qualified for that honor that did not only reside in the Province but has likewise an estate in it. The late Governor to fill up the number seven that could attend admitted Thomas Harman, Esq., and recommended John Seyler, John Rodman, Richard Smith and Robert Lettice Hooper, Esq., gentleman of reputation and intrest. I humbly beg your Grace's pardon for this tedious letter and am with the most profound veneration, May it please your Grace, your Grace's most devoted, and most obedient servant, *Signed*, John Hamilton. 3 pp. *Enclosed*.

424. i. Minutes of Council of New Hampshire 16th March—  
21st Oct., 1736. 16½ pp. [C.O. 5, 983. ff. 37-45, 71, 72.]

Oct. 25.  
Perth,  
Amboy.

**425.** Lewis Morris to the Duke of Newcastle. Complains of the "treasonable opposition" of the Council of New Jersey in refusing to deliver up the seals of Government to him as eldest Councillor. If Col. Hamilton persists in retaining them, he will be obliged to use force to compel him. He took his appointment as Chief Justice of New York as H.M. sufficient declaration of H.M. leave to be absent from New Jersey, and his subsequent visit to England to defend himself when removed by Governor Cosby was with H.M. leave *etc.* Intends shortly to publish enclosed proclamation *etc.* *Set out*, N.J. Archives, 1st Ser. V. 455. *Signed*, Lewis Morris. *Endorsed*, R. Jan. 27. 5 closely written pp. *Enclosed*.

425. i. Proclamation by Lewis Morris, President of the Council of New Jersey. 25th Oct., 1736. Ordering observance of H.M. Additional Instruction upon Order in Council of 29th April, as to the form of prayers for the Royal Family, the Instruction being signed by Queen Caroline 1st June and addressed to himself as President of the Council of New Jersey. *Set out*, N.J. Archives, 1st. Ser. V. 464. *Copy*. 2 pp.

425. ii. Minutes of Council of New Jersey. Oct. 20, 1736. The Honble. Lewis Morris made a demand of the Administration by virtue of H.M. Commission to the late Governor and the royal instruction to himself (*v. preceding*), tendering a copy thereof and demanding

1736. [425 ii.]

that it be entered in the Minutes. The President (Col. Hamilton) asked for the original. Morris offered to shew it to them, upon their word of honour to restore it, which they refused to give, conceiving it a public instruction and belonging to the Government. Morris answered that it was an instruction to himself, with which they had nothing to do *etc.* *Copy. Signed, Lawr. Smyth, Cl. Con. 1½ pp.*

425. iii. Report of the Council of New Jersey to President Hamilton on Mr. Morris's demand (*v. encl. ii.*) Oct. 21, 1736. *Quote H.M. Instructions to Governor Cosby, that the eldest Councillor, "who shall be at the time of your death or absence residing within Our said Province shall take upon him the administration" etc. Continue:* From which we think it is very clear and plaine that the administration is legally vested in your Honour *etc.* Col. Morris's return from England cannot entitle him to the Government, the clause above mentioned being a bar against any such pretention and the Instruction of 3rd May, 1707, directing that "the eldest Councillor . . . who shall be at that time of your death or absence residing within our said Province of New Jersey shall take upon him the administration of the Government *etc.* Col. Morris was in England and had been there more than twelve months before the death of either the late Governour or Presedent, and did absent himself from this Province for near two years without leave from the then Governor under his hand and seal or any otherwise that we could ever hear or learn, and therefore we are of opinion that by H.M. Instruction No. 10 his place in the Council is become void *etc.* *Signed, John Reading, Cornelius Vanhorn, William Provoost, Thos. Farmer. Copy. 1¾ pp. [C.O. 5, 983. ff. 47-49, 50 v.-53 v.; and (duplicates, dated Oct. 22, altered to 25, and endorsed, R. Jan. 24th), 62-63 v., 65-68, 69, 69 v.]*

Oct. 26.  
Whitehall.

**426.** Order of Committee of Privy Council for Plantation Affairs. Agreeing with the representation of the Council of Trade and Plantations, 1st April, that the five eldest Councillors in the Provinces of New York, New Jersey, Nova Scotia and Rhode Island be appointed Commissioners for settling the boundaries between the Massachusetts Bay and New Hampshire, and ordering, after hearing counsel on petitions by the Agents of the two Provinces relating to the persons so nominated, that the five eldest Councillors named be so appointed, except Major Mascarine, who appeared to the Committee to be a person interested in the province of Massachusetts Bay *etc.* The Lords Commissioners for Trade are to prepare directions for them, and for preventing unnecessary delays, to consider of a proper time to be fixt before which the said Commissioners should be directed to hold their first meeting, and also of the most convenient place for such their meeting *etc.* *Signed, W. Sharpe. Endorsed, Reed. 28th Oct.,*



1736. [426]  
Read 16th Nov., 1736. 1½ pp. [C.O. 5, 879. ff. 82, 82 v., 85 v.]
- Oct. 27. **427.** Mr. Popple to Sir W. Yonge. Encloses extracts from  
Whitehall. Governor Fitzwilliam's letters 8th and 20th March, giving an  
account of the ruinous conditions of the fortifications *etc.* [C.O. 24, 1. p. 310.]
- Oct. 27. **428.** *Same* to Mr. Burchett. Encloses extract from Governor  
Whitehall. Fitzwilliam's letter, March 20th, relating to the station ship and  
Admiralty instructions. [C.O. 24, 1. pp. 310, 311.]
- Oct. 28. **429.** *Same* to Mr. Fane. Encloses copy of Mr. Coope's  
Whitehall. letter and translation of the French Edict of 1727, that he may  
consider thereof, with the Act of Montserrat submitted for his  
report. [C.O. 153, 16. p. 56.]
- Oct. 28. **430.** Petition of Mr. Jackson to the Council of Trade and  
Plantations. Submits deposition by Capt. Vittery and prays that  
he may be examined this day with other witnesses (*v.* Oct. 22).  
*Signed*, Chaloner Jackson. *Endorsed*, Recd., Read Oct. 28, 1736.  
¾ p. *Enclosed*,  
430. i. Deposition of Florentius Cox, 21st Oct., 1736, in support  
of Mr. Jackson's petition of Oct. 7th. *Signed*, Florentius  
Cox. *Endorsed as covering letter*. 6¼ pp.  
430. ii. Deposition of John Yerworth, 21st Oct., 1736, in  
support of same. *Signed*, John Yerworth. *Same*  
*endorsement*. 7½ pp.  
430. iii. Deposition of Capt. Vittery, 28th Oct., 1736, in  
support of same. *Signed*, William Vittery. *Same*  
*endorsement*. 3½ pp. [C.O. 23, 3. ff. 189, 190–193 v.,  
194 v., 196–199 v., 200 v.–202 v.]
- Oct. 30. **431.** Mr. Fane to the Council of Trade and Plantations. Has  
been attended by Mr. Henry Popple and Mr. Coope in support of  
Act of Montserrat *for the more effectual preventing all trade in those*  
*parts between H.M. subjects and the French*, and reports:—The  
intention of this Act is to explain and amend some articles of the  
Treaty of Peace and Neutrality of 1686. It appears by the  
preamble to this Act that the motive and foundation of it was an  
Edict made by the French King in 1737, whereby it is declared in  
construction of the Treaty of 1686, as it is pretended, that all  
foreign vessels sailing within a league of the shores of any  
French settlements in the West Indies should be seized and  
confiscated without any proof of having traded. This edict, as  
the gentlemen who attended me informed me, had been com-  
plained off in a memorial presented by the direction of the  
Governr. of the Leeward Islands to one of H.M. Secretaries of  
State in Feb. 1735, and desiring H.M. demands and directions  
upon so extraordinary an Edict. But I don't find that any  
directions were signified upon it *etc.* By this Act, this Treaty of  
Neutrality is not explained in so severe a manner *etc.* as it is by the

1736. [431]

French Edict. For by the words of ye Act, as I apprehend, no French vessell is liable to be condemned, unless there is some proof of her having traded, or having on board wares, merchandizes &c. of the growth and produce of H.M. Colonies (indeed the *onus probandi* is to lye upon the Frenchman) and therefore the sailing within a league of any of H.M. Settlements will not be a sufficient reason of itself for a condemnation. But in what manner they are pleased to construe this clause in Montserrat have not appeared to me in the consideration of this matter. This being the general state of the case, I beg leave to say, let the explanation of the Treaty of Neutrality by the Island of Montserrat be ever so expedient or just: yet I think it was not very prudent in a Legislature in so inconsiderable a part of H.M. Dominions to take upon themselves to do that, which I apprehend to be the sole Prerogative of the Crown. It was never denied but that the King had a sole power of making warr and peace, and consequently every attempt to infringe upon this power is an encroachment upon His Prerogative. This I take to be such an attempt in a great degree, and tho the policy of it might be right and expedient, yet the manner of doing it, is so new, that I think it ought to receive in this first instance the highest discountenance. I don't observe tho' this may be called an Act of an extraordinary nature that there is a clause in it suspending its execution till H.M. pleasure was known upon it. Such a clause in my opinion would have been very proper considering the nature of the Act, and also the Memorial which had been presented by order of the Governr. of the Leeward Islands to the Secretary of State, to which he had receiv'd no answer. I observe also that in the application of the penalties and forfeitures of this Act the usual methods of applying them have not been pursued. And I also observe there is a clause at the end of this Act, that the expence of prosecuting any offence against this Act shall be paid in the first place out of the shares and parts of the penaltys and forfeitures given to H.M. This appears to me to be an unusual regulation and I beleive there cannot be produced two instances either here or in the Plantations where the same has been done. I think it unreasonable as well as a demonstration how little the interest of His Majesty is regarded in this Island. *Signed, Fran. Fane.* *Endorsed, Recd. 1st, Read 3rd Nov., 1736.* 2 $\frac{2}{3}$  pp. [*C.O.* 152, 22. ff. 153-154 v.]

Nov. 1. **432.** Deposition of William Smith of the Bahama Islands, Clerk, but now in London. Believes that Governor Fitzwilliam soon after his arrival purchased a parcel of sheep, and that the master of the vessel who sold them to him complained that he could not dispose of the remainder, because he had given the preference to the Governor. But deponent has never heard that the Governor has since bought any live cattle imported from foreign parts, except six sheep which were a remnant that lay on the importer's hands. There is no regular market at Providence, and every one who kills beef or mutton there disposes of what he cannot consume, the weather being so excessive hot that



1736. [432]

meat will seldom keep a second day. Deponent never heard of the Governor's having any share in any trading vessel. The woollen goods mentioned (Oct. 7th) were carried in the *Faulconbrigg*, Wm. Clough commander, which touched at no port between London and the Bahamas. Capt. Clough gave cockets to Mr. Jackson who did not seize the said woollens till a year afterwards, Capt. Clough was then gone from the islands, but on his return made oath that he had delivered a cocket for them. Does not believe John Keowin was ever the servant of the Governor, than whom there never was a Governor more generally beloved. Mrs. Jackson for some months before her death was daily supplied by the Governor with all necessaries which his house could afford, and on her death he took her son to his house, and fed and clothed him, and seemed to deponent to be really fond of the boy *etc.* *Signed*, Wm. Smith. *Endorsed*, Recl. Read 2nd Nov., 1736. 3 pp. [*C.O.* 23, 3. ff. 207-208 v.]

[Nov. 2.]

**433.** Wavell Smith to Mr. Popple. Is ready to prove his case whenever the Board directs him to attend them. Hopes they will report soon, as till this matter is determined, he is out of a great deal of money *etc.* *Signed*, Wavl. Smith. *Endorsed*, Recl., Read 2nd Nov., 1736. 1 p. [*C.O.* 152, 22. ff. 133, 136 v.]

[Nov. 2.]

**434.** Petition of Henry Popple, in behalf of Governor Fitzwilliam, to the Council of Trade and Plantations. In reply to Mr. Jackson's charges, Oct. 7th, encloses following, and requests copies of depositions read at the Board, Oct. 28th, in order to enable the Governor to send answers to these aspersions *etc.* *Endorsed*, Recl., Read 2nd Nov., 1736. 1 p. *Enclosed*,

434. i. Deposition of Richard Rowland. Nassau. 8th Nov., 1735. *Abstract*. Having been informed that it has been insinuated that he was removed from his office of Chief Justice, because he would not be directed in his judgment in Court by Governor Fitzwilliam, declares that he never endeavoured to bias him or any Judge or jury in any cause, and does not know any man who has wrongfully suffered by his means. *Signed*, Richd. Rowland. *Copy*.  $\frac{3}{4}$  p.

434. ii. Address of the Grand Jury of the Bahama Islands to Governor Fitzwilliam. Being informed that some base and evil-disposed persons have privately handed about, first at Carolina, and then in London, a paper called The grievance or complaint of the inhabitants of the Bahama Islands against your Excellency, which could be done with no other intention than to defame you, and break that happy union subsisting between your Excellency and H.M. good subjects of this island, in order to gratify some private resentment *etc.*, we *etc.* declare that we are so far from being concerned in any kind of complaint *etc.*, that we are perfectly sensible of the many benefits we have enjoyed under your prudent,

1736. [434 ii.]

humane and just administration, whereby our rights and property have not only been secured, and litigious law suits discouraged, but also great encouragement given to strangers to come and settle among us; and as your Excellency has been indefatigable in your endeavours to reduce all kind of proceedings to due regularity *etc.*, so we are thoroughly convinced that your sole motive in appointing judges has been for their understanding and integrity *etc.* Whatever uneasiness hath been heretofore among us was only occasioned by John Colebrooke and a few accomplices. *Signed*, Thos. Bedon, foreman, and 22 others. *Copy*. 1 $\frac{1}{3}$  pp. [C.O. 23, 3. ff. 203, 204, 205, 205 v., 206 v.]

Nov. 3.  
Whitehall.

**435.** The Duke of Newcastle to the Council of Trade and Plantations. I send you herewith, by Her Majesty's command, copys of two Memorials received from the French Court, complaining that a French merchant ship called the *Fortune*, in her return from the Island of Mary Galante, in May 1735, being forced by the currants upon the coast of Monserrat, was there seized by order of Mr. Mathew, Governor of the Leeward Islands; who, as is alleged, before he would discharge the said ship, obliged the Commander of it to give security to pay to him, the Governor, the value of his ship and cargo, if, within a certain time, he did not procure an order from His Majesty, that the said bond should be discharged. I also send you the copy of a Memorial delivered to Lord Waldegrave, complaining that another French ship, called the *Fleuron* of St. Malo, had been seized on the 22nd of July last (though it is alleged, that there was not the least suspicion of it's being concerned in contraband trade) and carried to Monserrat, where the said ship and cargo had been confiscated, under pretext of a law made by the Assembly of Monserrat on the 5th of June last. I am to acquaint your Lordships with Her Majesty's pleasure, that you make enquiry into the true state of these several facts in the most expeditious manner you can and report your opinion thereupon to be laid before Her Majesty; and that you should in the meantime send me such advices as you may have already received, relating to the subject matter of either of these complaints. *Signed*, Holles Newcastle. *Endorsed*, Recd., Read 3rd Nov., 1736. 2 pp. *Enclosed*.

435. i. Memorial on the case of the *Fortune*, Capt. Hardorine, described in preceding. *Endorsed as preceding*. *French*. *Copy*. 5 $\frac{1}{3}$  pp.

435. ii. Memorial presented by M. Chauvelin to the Earl of Waldegrave, 30th Oct., n.s., 1736. On the same subject. *Same endorsement*. *French*. *Copy*. 8 pp.

435. iii. Further memorial on same subject. *Without date*. *Same endorsement*. *French*. *Copy*. 5 $\frac{2}{3}$  pp. [C.O. 152, 22. ff. 137-140 v., 141 v., 142 v.-146 v., 147 v.-150 v., 151 v.]

Nov. 4.  
Whitehall.

**436.** Mr. Popple to Mr. Fane. My Lords Commissioners have had under their consideration an Act of St. Christophers for



1736.

[436]

*settling the limits of the several parishes etc., and for amending an Act for regulating vestries etc., and your report in point of law in favour of the said Act. But as their Lordships observe that the Act intended by the titles of this Act to be amended is not so much as mentioned in the body of it; I am commanded to desire your opinion in point of law, whether supposing the present act should be confirm'd the Act, intended by the title to be amended, would not likewise remain in force. [C.O. 153, 16. pp. 57, 58.]*

Nov. 4.  
Whitehall.

**437.** Mr. Popple to Mr. Carkesse. Several Acts of Parliament relating to Trade and Navigation having been passed since your letter to me of the 8th of April, 1727, with the observations of the Commissioners of H.M. Customs upon the draught of Instructions relating thereto, I have prepared by order of my Lords Commissioners for Trade and Plantations one general draught of such Instructions for all the Governors of H.M. Plantations in America: their Lordships have commanded me to transmit to you the inclosed copy thereof in columns in order to their being laid before the Commissioners of the Customs for their opinion thereupon; and I am to desire that such observations, as they shall make thereon, may be minuted in the blank column against each article, and returned to me therewith as soon as conveniently may be. I am further to desire you will move the Commissioners of the Customs for an answer to the letter I wrote to you the 22nd of September last relating to the importation of Canary wines directly to the British Plantations in America from the Canary Islands. [C.O. 324, 12. pp. 225, 226.]

Nov. 4.  
Whitehall.

**438.** Council of Trade and Plantations to the Duke of Newcastle. Enclose extract from Governor Mathew's letter received since theirs to his Grace of April 20th, relating to the French on Sta. Lucia, St. Vincent and Dominico. *Continue* :— Your Grace will please to observe, upon reviseing what we have wrote upon this subject, that the French are daily encreasing in numbers on these islands, that as General Mathew now informs us, they are encreased from one hundred families to three hundred and sixty-four now settled on Dominico under a Governor appointed by the Genl. of Martinico; and that they have even seized an English vessel at that island on pretence of an illicit trade, which could they have proved, the vessel would have been actually condemn'd. In our abovementioned letters, we have so fully set forth the consequences of these proceedings of the French, that we have nothing to add thereto, but that, if they are permitted to continue there, they will by degrees increase to so great a number, that they will not be removed without great difficulty. *Autograph signatures.* 1½ pp. *Enclosed,*

438. i. Extract from Governor Mathew's letter, 17th July, 1736. 1 p. [C.O. 152, 40. ff. 282, 285; and 153, 16. pp. 59, 60.]

Nov. 4.  
Whitehall.

**439.** Council of Trade and Plantations to the Duke of Newcastle. *Enclose* extracts from Governor Fitzwilliam's letters,

1736.

[439]

8th and 20th March, relating to the ruinous state of the barracks and fortifications in the Bahama Islands. *Continue* :—As your Grace is sensible of what consequence these islands are of to the interest of this Kingdom, commanding by their situation the Gulph of Florida, we must desire your Grace will please to receive H.M. directions concerning such necessary repairs as are there wanting. [C.O. 24, 1. pp. 311, 312.]

Nov. 5.  
Admty.  
Office.

**440.** Mr. Burchett to Mr. Popple. In reply to letter of 27 ulto., encloses following. *Signed*, J. Burchett. *Endorsed*, Reed. 6th, Read 11th Nov. 1736. 1 p. *Enclosed*,

440. i. Extract from Instructions by the Lords Commissioners of the Admiralty given to Capt. Symonds, H.M. sloop *Shark*, stationed at the Bahama Islands. On your arrival at the Bahama Islands you are with all possible diligence to employ the sloop you command for their security and defence, from any attempts that may be made on them by pyrates or otherwise, and particularly you are to take care to protect from time to time such vessels as may be employed in making salt at Exuma *etc.* You are not to hoist the Union Flag on board the ship you command on account of the Governor's being on board or on any other pretence whatever. And whereas you will receive herewith an Act of Parliament by which the Captains of H.M. ships and vessels are forbid to receive on board any goods or merchandize, you are carefully to observe the same, and by all opportunity to make as public as may be the several clauses relating to pirates. And whereas the Captains of H.M. ships stationed in America have of late years taken a very unwarrantable liberty of lying in port with their ships for the greater part of the time they have remained abroad, to the dishonour of H.M. service and disservice of the Colonys for whose protection they were appointed ; and we being determined not to suffer such neglect to pass unobserved for the future, do hereby strictly charge and direct you to employ yourself with H.M. sloop under your command, diligently to put in execution the Instructions you have or shall receive from us for attending on the Bahama Islands, and when the season will permit your keeping the sea, you are to cruize in proper stations for meeting with pirates and others that may disturb the trade of H.M. subjects, and for your better guarding the said islands and trade thereof *etc.* *Copy.* 2 pp. [C.O. 23, 3. ff. 211, 212, 212 v., 215 v.]

Nov. 6.  
Bermuda.

**441.** Lt. Governor Pitt to the Council of Trade and Plantations. Acknowledges letters of 8th and 25th Aug. Will take care to send the papers and accounts required as soon as possible. *Concludes* :—I have wrote to his Grace the Duke of Newcastle, to be so good to procure me H.M. leave to return home for six months for the recovery of my health, which is very much



1736. [441]  
declin'd *etc.* Asks the Board to join with his Grace in this request *etc.* Signed, John Pitt. Endorsed, Recd. 14th May, Read 8th June, 1737. Duplicate. 1 p. [C.O. 37, 12. ff. 237, 239 v.]
- Nov. 6. **442.** Lt. Governor Pitt to Mr. Popple. To same effect as Bermuda. preceding, with a request to him to remind the Board of his application for leave. Signed and endorsed as preceding. Duplicate. 1 p. [C.O. 37, 12. ff. 236, 239 v.]
- [Nov. 9.] **443.** Petition of Mr. Edlington, Surveyor General of Lands in Barbados, to the Council of Trade and Plantations. Describes importance of office. Continues :—The General Assembly, in 1735, passed an Act concerning the surveying of land, setting forth that whoever shall have occasion to survey or lay out any lands or houses, may as of right claim from the Governour a warrant to be directed to such sworn Surveyor (being allowed to practice) as the said person shall think fit to nominate *etc.* The said law maketh void the authority powers and privileges granted to the said Surveyor General in his commission, who took oath of office *etc.* Against which law, he preferred his petition to the President in Council, and had a hearing on 3rd Feb., 1736, but it was carried for the bill, by means whereof the prerogative of the Crown in relation thereto is taken away, the Surveyor General is deprived of his privileges, the inhabitants rendered incapable of coming to a clear, easy and perfect knowledge of the surveys and plots of their neighbours' lands *etc.*, and great latitude is given to fraud and uncertainty *etc.* His expenses in defending his commission have greatly exceeded all his profits from it. Prays the Board to reinstate or relieve him *etc.* Signed, John Edlington. Endorsed, Recd., Read 9th Nov., 1736. 1 p. [C.O. 28, 24. ff. 181, 181 v.]
- Nov. 9. **444.** Mr. Popple to Mr. John Willes, Attorney General. I am Whitehall. commanded by my Lords Commissioners for Trade and Plantations to remind you of my letters of 6th and 11th of December, 1733, 8th of January, 1734, and of the 4th of September and 14th of October, 1735, inclosing copy of a representation from Mr. Smith, Chief Justice &c. of North Carolina, relating to the Laws of that Province; copies of the two Charters from the Crown to the Lords Proprietors of Carolina and of other papers relating to the Laws of North Carolina, as also to a method introduced by the Governors of that Province of granting blank patents for lands: and to acquaint you that their Lordships desire your opinion thereupon in point of law as soon as conveniently may be; the Govr. being at a loss how to proceed, until he hears from my Lords upon this subject. [C.O. 5, 323. f. 121.]
- Nov. 9. **445.** Capt. Macpherson to Mr. James Buchanan, merchant, Fort St. London. Refers to previous letter giving an account of his Peters, having been seized and brought into Martinique by a guarda Martinico. costa, when "sailing betwixt this island and Sta. Lucia in my

1736. [445]  
 way to Jamaica." *Continues* :—They have taken all possible measures to confiscate the ship and cargo, and hitherto I have defended to the utmost. Three renegadoes who have a share in prize have sworn to my being within a league of their land, but by my journal, winds, course steer'd and weather from Barbadoes, I have proved and allowed by a jury of French Captains that I was not within their limitts *etc.* *Has summoned* 13 witnesses from the shore that he was at least 3 leagues from any land. But "they are full resolved to condemn me right or wrong, slaves being here very scarce and at a great price. If they cannot confiscate the ship for being near their land, they'll keep here as a reprisal for the ship General Mathews took into Antegua about 6 weeks agoe" *etc.* *Signed*, Alex. Macpherson. *Addressed*. 1 p. [C.O. 5, 5. ff. 133; 134 v.]
- Nov. 9. 446. Council of Trade and Plantations to the Duke of  
 Whitehall. Newcastle. *Send* copy of Lt. Governor Broughton's letter of 16th August, reporting that the French Governor of Moville had attacked the Chickesawe, a nation in friendship with the English. *Conclude* : As this proceeding of the French is a manifest violation of the 15th Article of the Treaty of Utrecht, we desire your Grace will please to lay the same before Her Majesty for her directions thereon. *Autograph signatures*. 1 p. *Enclosed*,  
 446. i. Copy of Lt. Governor Broughton's letter, 16th Aug. [C.O. 5, 383. ff. 55, 57 v.; and (without enclosures) 5, 401. pp. 183, 184.]
- Nov. 9. 447. Mr. Popple to Lt. Governor Broughton. Acknowledges  
 Whitehall. letter of 16th Aug. which has been laid before the Duke of Newcastle. *Continues* :—But as you have not been so explicit in your letter as my Lords could have wish'd, I am to desire you will inform them as soon as may be, from whence you receiv'd the advices concerning this affair, and that you will send them a more particular account of this transaction *etc.* I am likewise to desire to know whether any, and what treaties have been made with these Indians on the part of the English and when? And any other information concerning them, which you can furnish there Lordships with? Have you seen any of the Chickesaw Indians? Or can you get any particular information from them relating this affair? [C.O. 5, 401. pp. 185, 186.]
- Nov. 9. 448. Petition of John Puridge of New Hampshire to the  
 Council of Trade and Plantations. Offers suggestions for the directions as to time, place, quorum *etc.* for the boundary Commissioners, as ordered 26th Oct., *q.v.* *Signed*, John Thomlinson, *for the petitioner*. *Endorsed*, Recd. 9th, Read 16th Nov., 1736. 2 $\frac{3}{4}$  large, closely written pp. [C.O. 5, 879. ff. 83, 84 v.]
- Nov. 10. 449. Deposition of John Colebrooke, of London. Having  
 been ordered by the Council of Trade to make affidavit to such things as he knew relating to Mr. Jackson's complaint, Oct. 7th, deponent, who was resident in Providence till Jan 26, 1735,



1736.

[449]

declares that a few days after his arrival Governor Fitzwilliam did hire a certain house called the White house, situated in the most frequented part of the town, where he did expose to sale in an open storehouse great variety of merchandize, as drapery, grocery, haberdashery, liquors, provisions *etc.*, belonging to the said Governor, as he himself declared to deponent. The Governor was often the purchaser of live cattle brought to the island, sometimes showing his displeasure to such persons as interfered in such purchases. He caused them to be killed by the soldiers and offered for sale in joints and quarters about the town by them, at a profit of 50 p.c. or more. He takes the goods of the inhabitants and obliges them to receive from him such goods in return as they did not want and were often forced to sell to considerable loss. He trades by sea as a merchant, often paying less freight for his goods than other traders can get theirs carried for, and sometimes has had them carried free *etc.* Confirms Jackson's statements about goods sent to the Havana by the Governor *etc.*, and his treatment of the Judges and Courts of Justice; his servant, James Scott; his assault on Mr. Jackson, *etc.* *Signed*, Jno. Colebrooke. *Endorsed*, Recd. Read 16th Nov., 1736. 3½ pp. [C.O. 23, 3. ff. 209–210 v.].

Nov. 10.  
Lisbon.

**450.** Capt. Towry to Mr. Popple. *Encloses* following The answers to the queries are the same as last year. *Signed*, J. Lowry. *Endorsed*, Recd. 3rd Dec. 1736, Read 13th Jan., 1737. ¾ p. *Enclosed*,

450. i. State of the Codd Fishery at Canso for 1736. *Totals* : 46 schooners employed, 10 sack ships. Quintals of fish made, 25,690; shipped to foreign markets (Lisbon, Genoa, Cadiz, Bilboa and the Straits) 14,534; to New England, 11,156. 1½ pp.

450. ii. State of the Whale Fishery at Canso for 1736. 10 ships of 30 to 73 tons. 11 whales killed. 421 barrels of oil, 4120 lb. of whalebone. *Signed*, J. Lowry. ½ p. [C.O. 217, 7. ff. 197, 198–199, 200].

Nov. 11.  
Whitehall.

**451.** Council of Trade and Plantations to Governor Gabriel Johnston. Since our letter to you of the 16th of March last, we have receiv'd one from you of the 5th of December, 1735, and the Acts therewith sent, relating, among other things to small duties imposed in North Carolina on liquors imported, and on shipping, called by the name of powder mony. But as this letter was not receiv'd till the 10th of May last, it was of no service to us, in the Report which we had made to Parliament some months before, and for which we had wrote to you on the 17th of June, 1735, for an account of duties and impositions &c. With regard to the Acts of the Province pass'd during the time that the Charter subsisted, you tell us that except six of them, none were ever ratified as the Charter directs; and that therefore whenever you found any of them, which encroach'd upon the King's Prerogative or the Revenue, you took advantage of this defect, and would not allow them to be laws. As you have not

1736. [451]

mention'd to us, in what particular these Acts were not ratified, according to the direction of the Charter, we are at a loss to know what you mean by the objection you raise : But if your objection is the same, as that raised by Mr. Smith, Chief Justice in your Province in a Memorial he presented to us, while he was in England and of which we send you a copy, all that we can say to you at present is, that his memorial lies before the Attorney and Solicitor Genl. for their opinion concerning the validity of those laws, and when we shall receive their report, we will take them into our consideration, and you shall hear further from us, upon this head. In our letter to you of the 12th of September, 1735, we desired you would send us a full description of the Boundary Line, between South Carolina and your Province, and a draught thereof sign'd by the Commissioners, or an authentic copy thereof, under the seal ; but as we have not yet receiv'd it, we must desire you will not fail sending the same, by the first opportunity, and that for the future you will be more punctual, in sending to us such papers as we particularly write to you for. We are glad to find you have made so great a progress in the recovery of H.M. Quit rents in arrears. Upon the subject of the Seal of the late Lords Proprietors which you imagin'd might yet remain in the Province and in that case be of bad consequence, should it privately be affixed to those quires of blank patents which you apprehend remain in the custody of some persons in your Province, subscribed with the names of the Proprietors' Council, but not sealed ; we have talk'd with Capt. Burrington, the late Governor of North Carolina, who has assured us that upon his arrival there, he took the Proprietor's Seal into his custody, and kept it till H.M. seal was sent over to him from hence ; upon the receipt of which he had transmitted that belonging to the late Proprietors to his Grace the Duke of Newcastle, in order to its being defaced by H.M. in Council. [*C.O.* 5, 323. *ff.* 121 v.-123.]

Nov. 12.  
Whitehall.

**452.** Council of Trade and Plantations to Governor Fitzwilliam. *Acknowledge* letters of March 8th and 20th, and acquaint him with their letters to Sir Wm. Yonge, Duke of Newcastle and Admiralty thereupon, June 29th, Oct. 27th and Nov. 4th. Enclose extract of Admiralty Instructions to the Captain of the station sloop. *Continue* :—As these matters now lye before the proper Offices, we can by no means pretend to give you any advice with regard to your proposed intention, of rebuilding the Barracks at your own expence, and depending upon your being reimbursed that charge. We had some time ago under our consideration, the estimate of the charge of repairing and rebuilding your fortifications, as estimated by the Engineer and yourself but not being proper judges of those charges, we could only give our opinion, that considering the importance of the Bahamas with regard to their situation they ought to be properly fortified ; and that if this was well done the security resulting from thence would naturally be the means of drawing great numbers of inhabitants thither. We must now remind you of our letter



1736. [452]

of the 8th of August, 1735 to which you have not as yet returned us any answer, and at which we are very much surprized, as we might have received one long before now, we must desire that for the future you will be more punctual in your correspondence with us, and more carefully transmit to us copies of such papers and records, as by your Instructions you are required to do. Mr. Jackson, Collector of the Customs of Providence, having in a memorial to this Board represented some very great hardships and oppressions imposed on him by you, for having faithfully discharged his duty; and having laid before us some certificates sworn to here, before a Master in Chancery, to the truth of the particular allegations in his Memorial against you; we take this opportunity of sending you the inclosed copies of the Memorial and affidavits, to which we desire you send us your answer as soon as may be. As these complaints are of a very extraordinary nature; we think it will be incumbent on you to lose no time in the answering of them. We likewise desire you will at the same time send us an authentick of the tryal and proceedings had against the twelve soldiers, and the French pilot who were condemned and executed at Providence for an act of piracy, of which you make some mention in the copy of your letter to Sir William Yonge, included in your letter to us of 8 March last. And an exact account what number of effective men are at present mustered in your company. [C.O. 24, 1. pp. 312-315].

Nov. 12. **453.** Memorandum of papers sent to Governor Fitzwilliam with above. [C.O. 24, 1. p. 316].

Nov. 12. **454.** Governor Fitzwilliam to the Council of Trade and Plantations. Encloses following and duplicates of letter and enclosures, March 26th. *Continues:* Before I left England I humbly submitted to your Lordships' consideration, whether adding Turks Islands, which are adjacent to these, and part of H.M. Dominions to this Government, would not be for the publick service; and indeed I am now more convinced than ever that any proposal, in regard to that matter, is worthy your Lordships' further notice, for, by the illegal practices carried on by the inhabitants of Bermuda and the Northern Colonies among those Islands, the exportation of salt out of this Government is almost at an end, and the trade of Great Britain hurt by the supply of French European goods carried from thence to the Continent besides the prejudice is considerable done our Sugar Colonies, by the great quantitys of French rum, sugar and mellasses in like manner clandestinely conveyed by means of that sort of correspondence to the Northward. The Bermudians finding those Turks Islands are not included in the commission of any British Governor in the West Indies fitted out, last Spring, a large sloop with ninety men, and sent her thither upon pretence of guarding or securing a number of their salt gatherers from the insults of the French and Spaniards, but in truth their motive was to countenance an illicit trade

1736.

[454]

with the former, with whom they barter'd most part of their salt for French commoditys (as appears by the deposition of Pierre Saurin markt No. 1.) which a number of small vessels that resorted thither, last salt season, introduced to the other American Governments, by means whereof the salt rak'd here eighteen months since is not yet dispos'd of, whereas that gathered in former salt seasons was scarce sufficient to answer the demands of the Bermudians, only for the consumption of Virginia and North Carolina, besides as those Islands are now become a rendez-vous of the English and French promiscuously to carry on a trade prohibited by both nations, 'tis probable they may shortly become a nest of Pirates and happen to do an infinite deal of damage to the British trade in particular, before they can be dispersed, for prevention whereof I hope your Lordships will reconsider my said former proposal, and move the Lords of the Admiralty to direct the Captain of the Station Ship here to have an eye to them. I am to beg the favour of your Lordships' directions in respect of an incident or two, that have lately happened here, which, I own, puzzle me: The first is that one John Sims, a Mulattoe of this Island, dyed intestate without any children, or legittimate relations, whereby I apprehend that one moiety of his estate (which in the whole is about six hundred pieces of eight) goes to his wife, and the other becomes the right of the Crown. If my notion be justly founded, I hope your Lordships will be pleased to obtain me an order to appropriate this small sum, or any other that may hereafter become H.M. due, by such like forfeitures, towards erecting a Court House and prison, which I am directed by my instructions to build, by reason the poverty of the inhabitants is such that that necessary work can never be accomplished by them without some such assistance. The other is of a very uncommon nature here, as follows. Some months since Benjamin Sims of this Island having tyed to an Orange tree a hogg, he took up to fatten, this creature in rooting round the tree turned up a piece of an earthen jar, which an old woman in the house observing, call'd a negroe to her assistance, and in grabling up the earth thereabouts foud the remaining part of the jar full of money. This being reported among the inhabitants and that the sum so found was a thousand pieces of eight, it came to my knowledge about a fourtnight ago, and I sent for this Sims and taxed him with it, whereupon he acknowledg'd there was money found in the manner before mentioned, but that he believ'd 'twas a sum belonging to him which he left in the keeping of his brother, when he himself went some years ago to Jamaica, which brother being drowned in his absence, had no opportunity at the time of his death of acquainting any body where he had put it; but he at the same time confess'd the sum taken up (tho' how much he would not tell) did not aggree by many pieces of eight and some gold with that he left in the care of his brother, and absolutely refused to swear it was his property, or produce evidence that he had left any such sum in his brother's hands, whereupon I told him that since he would not make any such reasonable



1736.

[454]

proof, as I expected, of his title to it, and that nobody else claim'd it as their right, I apprehended it became the King's, therefore I insisted that he should pay it for H.M. use to the Treasurer of these Islands, or that the money should be produced to, and counted before a proper magistrate and that he (Sims) should enter into bond to H.M. in the Secretary's office, with condition, that the money should be forthcoming to answer any demands the Crown might thereafter have upon it; but he utterly refus'd doing either, and told me he would rather go to gaol than submit to this proposal; however after some little time he propos'd (in case I would desist urging him further upon that head) to give bond to the Church Wardens of the Parish to have, at the time of his death, five hundred pieces of eight towards building a new church, which is much wanted; in consideration whereof and that I did not well know how to proceed in that matter, being diffident whether the money, or any part of it, did really belong to the King, I consented he should enter into the bond, he offered, until I could have your Lordships' directions concerning this affair, which I hope you'll be so good as to send me, as also how I am to act in cases of this nature that may happen for the future. As I take it to be my duty to acquaint your Lordships, from time to time, of all publick occurrences here, I cannot omit sending you copys of two papers, mark 2 and 3, delivered me by the Chief Justice of these Islands, and Mr. Nicholas Rowland, a principal inhabitant of this, the one relating an insult put upon the Chief Justice in the execution of his office by Captain Richard Symonds, Commander of the station ship, and the other setting forth hardships he (Rowland) labours under in respect to a dispute between him and the said Captain, who to speak the truth has insulted the Civil Officers in this little Government in a most extraordinary manner, nor has he even left me room to boast of many personal civilitys from him, on account of the Commission I have the honour to bear under H.M.; but in regard, I conceive, your Lordships cannot be unacquainted of the misbehaviour of many of the gentlen. of the Navy on these American Stations, and particular insults put upon, and personal disregard and disrespect shewn by some of them (on different occasions) to those intrusted by H.M. with the Government of the several Colonys, whereby little party disputes have been set on foot among the inhabitants and great inconveniencies have arisen to H.M. Service and in the end proved hurtful to many of his people in this part of the world, I shall not take up more of your Lordships' time upon this subject than barely to observe that, as this is a poor Colony in its infancy, without any trade directly to our Mother Country, whereby the inhabitants, and particularly the king's servants, might gain friends and correspondents at home to appear, in their behalf, before H.M. or Council to set forth their grievances, they entirely rely on your Lordships' mediation *etc.* I beg the favour your Lordships will please to let me know whether that unfortunate man Lawford mention'd in my letter of the 22nd of December last may hope for any

'736.

[454]

restitution or satisfaction for the sloop *Mercury* taken from him by the Spaniards, for the poor man and his family are at present in a starving condition. *Signed*, Rd. Fitzwilliam. *Endorsed*, Recd. 14th., Read 15th Feb., 1734. 3½ pp. *Enclosed*,

454. i. Deposition of Pierre Saurin, of the *Saint André* of Leogane, Hispaniola. New Providence, Sept. 25, 1736. February last, on a voyage to Turks Islands, deponent met with the Captain of a corsair belonging to Bermuda, and other inhabitants of Bermuda making salt, and bought 300 barrels of salt from said Captain, paying in money. In May he made another voyage thither intending to buy another cargo of salt from the said Captain, who had given him a *facture* of such goods as he wished to receive instead of money, viz., French wine and cloth *etc.* The said Captain and other salt-makers at Turks Islands told deponent that they had sold quantities of salt to other French vessels for French merchandise *etc.* *Signed*, Pierre Saurin, his mark. *Endorsed as covering letter.* 1 p.

454. ii. Narrative of an insult put upon James Scott, Chief Justice of the Bahama Islands, by Capt. Richard Symonds R.N., Commander of the *Shark* sloop, which H.E. is pleased to transmit to the Lords of the Admiralty. *Abstract.* Complaint being made to him on Sept. 17th last by Mary Williams of Nassau that Abraham Esten, a blacksmith, had attempted to burn her house and herself therein, the Chief Justice issued his warrant against him, and on his confession, committed him until he should find sureties to appear at the quarter sessions. Whilst he lay in jail, for want of sureties, which nobody cared to be because, had his wicked intention taken effect, a large house belonging to some gentlemen in England, just finished, and two other new houses within a few yards of the complainant's would certainly have been burned, and the whole town endangered, Esten fell sick of a fever and his life was despaired of. Therefore some of the inhabitants, in pure humanity, solicited the Chief Justice to release him on his own recognizances to answer the complaint of Mary Williams, who was bound over to prosecute him *etc.* This he did, not conceiving that anybody would carry so notorious an offender off the Islands before his trial, and because every inhabitant is obliged to publish his intention to leave the island 20 days before he can obtain the usual licence to the master of the vessel he proposes to go in, or give security into the Secretary's Office, (which the Chief Justice executes) to satisfy all lawful demands upon him, and the master of every vessel is, upon his arrival, obliged to give bond in £1000 not to carry off any such inhabitant without such licence. On 9th Nov. the Chief Justice was informed that Esten had got on board



1736. [454 ii.]

the *Shark*, and also one Henry Mathews, a cooper, who was indebted to several of the inhabitants, and had taken away some effects belonging to some gentlemen in England. He therefore wrote to Capt. Symonds apprising him of the circumstances, and particularly forbidding him to carry off Esten before he had stood his trial. *Letter quoted.* Which letter being delivered to Capt. Symonds by George Raddon, Deputy Marshal, he flew into a great passion, ordered him to tell the Chief Justice that he did not think it worth while to write him any answer; that he was a rascally fellow for sending him such a letter, and next day carried the men aforementioned (tho' no seamen) away with him to S. Carolina, whereby many of the inhabitants are defrauded and the due course of justice prevented. *Adds that* Capt. Symonds, upon pretence of purchasing provisions for his people, which he contracted before he came out of England to furnish here, has hitherto spent a good deal more than half his time at S. Carolina, and his common discourse seems rather to induce the inhabitants to leave this Government than to encourage any others to join them. The contempt wherewith he has treated the civil magistrates of all degrees, greatly incites such of the inhabitants as are naturally turbulent and unruly to the like insolences with which this gentleman has thought fit mostly to associate himself since he has been upon this station. *Signed, James Scott.*  
3 pp.

454. iii. Deposition of George Raddon. 10th Sept., 1736. *Describes* Capt. Symonds' behaviour as in preceding. *Signed, George Raddon.*  $\frac{3}{4}$  p. Nos. ii, iii, *endorsed as covering letter.*

454. iv. Case of Sib Davis, house-keeper to Mr. Nicholas Rowland of New Providence, against Capt. Symmonds for detaining her son, Emanuel, as a seaman on board H.M.S. *Shark*. The boy had been apprenticed to Dr. Thomas Cooper of Charlestown, upon whose death Capt. Symonds undertook for his mother to bring him back to Providence. Thereafter he carried him back to Carolina on two voyages, on pretence of finding out whether anybody there had any claim to him on account of his indentures to Dr. Cooper *etc.* Subsequently when Mrs. Davis refused to allow him to sail again, Capt. Symmonds endeavoured to take him by force, and applied for a warrant for securing him, ("Immanuel Darrell") for H.M. service. But it appearing that he was under the age for a seaman, that he had never been at sea before, and that the Captain did not claim him as a servant, Mr. John Howell, President of the Council, J.P., refused to grant a warrant, but referred Capt. Symonds to the Courts of Law. Before sailing Capt. Symmonds visited said Justice and flew into a

1736. [454 iv.]

very indecent and unbecoming passion and threatened to complain of him at home *etc.*, as above. *Signed*. Nicholas Rowland. 2 $\frac{1}{4}$  pp.

454. v-viii. Depositions of Nicholas Rowlands, 29th and 30th Sept., 1736, Mrs. Davis, 30th Sept., Thomas Townsend, Clerk of H.M.S. *Shark*, 29th Sept., relating to above. *Copies*. 2 $\frac{1}{4}$  pp. *Nos.* iv-viii *endorsed as covering letter*. [*C.O.* 23, 3. *ff.* 218-220, 221-222 v., 223 v.-226 v., 227 v.]

Nov. 16.

**455.** Memorial of Agents in Leeward I. to the Council of Trade and Plantations. Since attending the Board on the Act of Monserrat and case of the *Fleuron*, have received papers from Governor Mathew, which require their careful consideration, and which, they are persuaded, will enable them to show that the French Court have not the least reason to interpose in this affair *etc.* Asks for indulgence till Monday next for preparing a memorial thereof. *Signed*, John Yeamans, Ri. Coope, Jno. Sharpe, Henry Popple. *Endorsed*, Rece., Read 16th Nov., 1736. 1 p. [*C.O.* 152, 22. *ff.* 186, 191 v.].

Nov. 17.

**456.** Memorandum from James Huey to the Council of Trade and Plantations. When we had the honour to attend your Lordships, we proposed that Murray Crymble, James Huey and each of their associates shoud (after the whole of the lands are survey'd) have separate grants for their respective shares, but at the same time that no grant shou'd be given for a less quantity than 12000 acres, our reasons for desiring this from your Lordships is that if we were only to have one general grant for the whole of the lands to be run out, and that some of the partys shou'd settle and cultivate their respective shares according to the undertakeing in the petition and others shou'd not, that in such case we are of opinion, those that have settled might be subject to the forfeiture of part of their lands, and we apprehend at the same time that they wou'd be lyable to pay the quit rents of the whole and it wou'd have this farther inconveniency that such of the poor people who are to go and settle there cou'd not have a proper title made out to them, for, in case the settlement was not compleated, those that were settled wou'd be subject to the Quit rents of the whole, this objection has been made to us allready, by people who we are upon termes with and we are satisfyed if your Lordships do not indulge us in this particular, it will be out of our power to form the settlement according to the undertaking in our petition; therefore what we beg leave to propose to your Lordships is, that we may have separate grants given us, and that such as do not settle the numbers they engage, according to the undertakeing in the petition, shou'd forfeit such part as they have not settled, or if it shou'd be H.M. pleasure, not to grant the lands but upon condition that the whole shou'd be forfeited, in case the settlement is not compleated, we are ready to acquiesce therein. We have mentioned to some of the other gentlemen



1736. [456]

concerned what your Lordships proposed to us about our taking up the lands in one entire tract, which they are not willing to agree to, as the lands in that case must be survey'd into one intire tract and afterwards resurvey'd into different parcells, which by the laws of the Colony, will entitle the Surveyor to double fees, and we are also apprehensive that method might occasion disputes amongst our selves ; to avoid these inconveniencys we beg leave humbly to propose to your Lordships that we may be admitted to take up the lands in different tracts, but at the same time no less quantity than 50,000 acres shou'd be run out in one place, this indulgence has been granted to others in a more favourable manner than what we desire, besides it has allways been the practice of the Colonys to run out the lands in small tracts, and such as have had grants here from the Crown, have allways been admitted to take up lands, in the manner we propose to take up ours and in much smaller parcells, we humbly conceive that no persons hitherto, have offred more advantageous termes to the Crown, therefore hope there is nothing particular in our case to exclude us from the like favours, and 'tis our opinion that the Crown can be no sufferer from this, as there is very little swamping lands within 70 or 80 miles of the mountains, and it appears pretty evident to us, that it will be more for the service of the Colony to have the lands run out in the several divisions, under the restrictions we have before mentioned, than it wou'd be to have the lands all run out in one tract, for in that case such foreigners that settle there wou'd retain their language, and their children wou'd not have the opportunitys of learning to speak English which wou'd allways make them consider themselves as a distinct people : the charges attending this settlement will be very great, therefore we submit it to your Lordships whether or no we do not deserve suitable encouragement, particularly as we desire nothing from the Crown, but what we are satisfied your Lordships wou'd grant in a private capacity ; for instance, shou'd any of your Lordships employ us to improve your estates, we doubt not at the same time, that your Lordships wou'd make us a reasonable allowance for our expence and trouble in so doing. We beg leave also to obviate the objection your Lordships made against our desiring, that we shou'd only forfeit such part of the lands as were not settled according to the undertakeing in our petition, if we understood your Lordships right, you apprehended that we shou'd settle the best of the lands first, therefore if the whole of the settlement was not made, the lands that wou'd revert to the Crown wou'd be of the worst quality, we can assure your Lordships with great justice that wou'd not be the case, as it is our interest to give the worst of the lands to the first settlers, for tho' we put ourselves to great charge in settling them we have no manner of service by it (further than to ascertain our titles) as we give the lands to the people, upon the very same termes as we have them from the Crown, from which it will appear clearly to your Lordships that it is our interest to reserve the best of the lands unsettled, as that is the only benefitt we are to have to answer

1736. [456]

our expences. That it be mesurd out in fifty thousand accers trackts in one parcell, and with liberty to have power to have yt. fifty thousand accers subdevided in to parcells not less than twelve thousand accers and seperet grants for each of these divisions. *Signed*, James Huey. *Endorsed*, Recd. Read 17th Nov., 1936. 2 pp. [C.O. 5, 295. ff. 37, 37 v., 38 v.].

Nov. 20.  
London.

**457.** Mr. Partridge to Mr. Popple. *Encloses following. Continues*: Thou wilt see it is a claim for a loss and damage sustain'd allmost 4 years since by the subjects of the French King at Martinico for wch. to this day we have never been able to gett the least satisfaction; we trusting in ye justice of the French Court and righteousness of our cause well hoped for success but in ye end to our mortification found ourselves miserably deceived and that we only threw away good money after bad *etc.* Now, as an opportunity seems to be offering for redress, hope for H.M. help *etc.* *Signed*, Richd. Partridge. *Endorsed*, Recd. 22nd, Read 23rd Nov., 1736. *Addressed*. 1 p. *Enclosed*,

457. i. Memorial of Richard Partridge, Agent for Joseph Whipple of Rhode Island, merchant, to the Council of Trade and Plantations. Nov. 22, 1736. *Abstract*. Memorialist is informed that the Agent in London for the French Court has lately made complaint that a French ship has been taken by the English and carried into the some of the British Sugar Islands by order of Governour Mathews and there condemned, and that he demands restitution of the same. Memorialist therefore presents a renewal of the hard case of Joseph Whipple, whose sloop *Humility*, Edward Caine master, was taken in Dec., 1732, by Capt. Tourmell, Commander of a French man of war within 5 or 6 leagues of Martinico and there with her loading unjustly condemned *etc.* *Refers to enclosures*. Caine went over to France with the Duke of Newcastle's letter (*No. iv*), and with the assistance of our Ambassador made the necessary representations to the Court there. But though M. Maurepan had given him good hopes of success, his petition was dismissed by the King in Council, 19th Dec. (N.S.), 1732. *Prays that* Whipple may receive compensation for his loss and expenses out of the produce of the aforesaid French ship and cargo *etc.* *Signed*, Richd. Partridge. *Endorsed as preceding*. 2½ pp.

457. ii. Estimate of damage sustained by Joseph Whipple in the seizure of the *Humility*. £995 14s. 1 p.

457. iii. Petition of Richard Partridge to the King. June 26, 33. *Abstract*. The *Humility* (v. No. i.) cleared from Newport, R.I., Dec. 2nd, 1732, for Barbados, laden with lumber, provisions, horse and sheep. On the 4th a violent storm partly wrecked the sloop and drove them to leeward to 5 or 6 leagues off Martinico. Capt. Tourmell (v. No. i), ordered the master to strike his



1736. [457 iii.]

colours and lower his sails, which he refused to do till he had received two shots from the man of war. Capt. Tourmell after examining his papers carried the sloop into Martinico and put Caine in gaol on pretence that he was engaged in an illegal trade, where he lay two months and 4 days notwithstanding he was cleared in 20 days by the judge of the Admiralty at Port St. Peters. Capt. Tourmell returning from a cruize and finding Caine was cleared by the said judge, ordered him to be carried to prison at Port Royal, where he (Capt. Tourmell) requested a Council extraordinary to be called, consisting of six of his friends, and there by them the sloop and cargo were unjustly condemned to the great damage of Whipple, who has sent Caine over here to solicit for relief. *Prays* H.M. to obtain satisfaction from the Court of France *etc.* *Signed*, Richd. Partridge.

457. iv. Duke of Newcastle to Lord Waldegrave, Ambassador at Paris. July 7, 1733. It is H.M. pleasure that you make proper representation to the French Court that the said sloop and cargo may be restored and full compensation made to the sufferers *etc.* *Signed*, Holles Newcastle. *Copy.* 1½ pp.
457. v. Letter of Attorney for Joseph Whipple to Capt. Edward Caine. *Signed*, Jos. Whipple. 21st May, 1733. 2 pp.
457. vi. Account of damages through seizure of the *Humility* *etc.* £1839 7s. 10d. 1 p.
457. vii. Bill of lading of the *Humility*. Newport. Nov. 28, 1732 (described in No. i.) *Signed*, Edward Caine. 1 p.
457. viii. Orders of the Owner of the *Humility* to Capt. Caine. Newport. Nov. 28, 1732. To proceed to Barbados and there dispose of the cargo *etc.*, and thence to Tortuga to load with salt and return to Rhode Island. *Signed*, Jos. Whipple. 1 p.
457. ix. Invoice of the cargo of the *Humility*. Value, £757 7s. 10d. *Same date and signature.* *Copy.* ¾ p.
457. x. Certificate by William Wanton, Governor of Rhode Island, that William Dyre who took the acknowledgments of the above letter of attorney and copies of invoice *etc.*, is a Justice of the Peace *etc.* May 21, 1733. *Signed*, Wm. Wanton. 1 p.
457. xi. Protest made by James Martin, Public Notary of Rhode Island, upon the deposition of Edward Caine, 19th May, 1733, "against the boisterous winds and seas and against M. Tourmel *etc.*, as the sole cause of all the damages sustained by the loss of the *Humility* and her cargo" *etc.* *Signed*, Jas. Martin, Nots. Pubs. 3 pp.
457. xii. Deposition of Edward Caine that above protest is true, and no satisfaction have been received *etc.* London, 26th June, 1733. *Signed*, Edwd. Caine. 1 p.

1736.

457. xiii. Order of King of France in Council, Versailles, 19th Dec., 1733. Declares Caine non receivable in his petition *etc.* *Signed.* Philippean.  $\frac{1}{2}$  p. [*C.O.* 5, 1268. *ff.* 214, 215-216, 217, 218-221, 222, 223-224, 225-226, 227, 228 v., 229 v.].

Nov. 22.  
Amboy,  
New Jersey.

**458.** President Hamilton to the Duke of Newcastle. Since I had the honr. to write to your Grace *etc.* (v. Oct. 25), Col. Morris not having patience to wait H.M. royall pleasure, but continuing to disturb the peace and quiet of this Government as much as in him lay affixed up two proclamations under his hand and seal at the Court house door of this city, the one for adjourning the Assembly of this Province, the other about praying for H.R.H. the Princess of Wales. This obliged me to call a Council, which was very difficult to be done att that time, and by their advice I issued a proclamation for apprehending Mr. Morris. I likewise ordered prayers to be used for H.R.H. pursuant to the Royall Instruction, *etc.* *Signed,* John Hamilton. *Endorsed,* R. Jan. 24.  $1\frac{2}{3}$  pp. *Enclosed.*

458. i. Minutes of Council of New Hampshire. 29th Oct., 1736. 1 p. [*C.O.* 5, 983. *ff.* 73, 73 v., 74 v., 75].

Nov. 23.  
New York.

**459.** Lt. Governor Clarke to the Duke of Newcastle. On the 29th of the last month I had the honor to receive H.M. Commission appointing me Lieutenant Governor of this province, and beg leave to return your Grace my most humble thanks for your protection. The Assembly were then sitting, but as their meeting was put off by the arts and intrigues of the faction, and their own fears till it was late in the fall, the short time they had left was not sufficient for them to enter into an inquiry and to make good the deficiencies of the Revenue. They resolved however to do it the next summer; I put on the best face I could and parted with them without expressing any dissatisfaction, and they seemed much pleased that I had given my assent to their Bills, it being insinuated that I would not. The faction being broke, the people grow daily more sensible of the danger that Morris and a few more had brought them into and of the happy escape they have had, for without doubt had not H.M. Instruction to me come on the day it did, the next would have involved them in open rebellion, Van Dam would have sworn the City officers whom he named, and I must have supported those of my nomination, and have sent a detachment of the garrison to have protected and assisted them in quelling the tumult that was threatened and would most certainly have been raised on that occasion: happy for them that so unexpected a stop was put to their madness, and that Morris's designs are discovered, he can no more delude them but is become the object of their passion which they express in the sharpest terms, even Van Dam whose cause Morris espoused exclaims loudly against him for having imposed upon him and threatens to sue him for some money he took up in England in his name of his correspondent; in a word, my Lord, the face of affairs is wonderfully



1736.

[459]

changed for the better, the people seem perfectly contented; and the hopes of a few desperate men are all placed in the expectation of seeing a Governor soon come from England, imagining that in that event they shall be able to revive a troublesome spirit, but I do with confidence assure your Grace that if H.M. will be graciously pleased to continue me in the administration of the Government, and its enemies have no room to persuade the people that they will soon see a change, I shall be able to restore them to as much unanimity, content and happiness as they ever knew, and the province to a more flourishing condition than ever. As to myself I beg leave to inform your Grace that I have been obliged to live at a very extraordinary expense to attain those ends, and that I have been obliged, too, to defray all contingent charges of the Government out of my own pocket not having received one single shilling from the Treasury since Governor Cosby's death, and must go on in the same expensive manner till the deficiencies of the Revenue are made good. It is a very heavy weight upon me, and will inevitably undo me if I am so unhappy to be removed from the Administration of the Government before those deficiencies are made good; but I humbly hope from your Grace's great goodness and compassion that you will give me your protection and save me from ruin, in those hopes I shall go on with cheerfulness at whatever expence it be to finish the work that is so happily begun, presuming that I cannot do a greater service in my present station nor recommend myself more effectually to your Grace. The Council and Assembly having joined with me in an address to H.M. on H.R.H. the Prince of Wales's nuptials I do myself the honor to inclose it to your Grace praying that you will do us the honor to present it to H.M., etc. *Signed*, Geo. Clarke. *Holograph*. 3½ pp. *Enclosed*,

459. i. Address of the Lieutenant Governor, Council, and Assembly of New York to the King. Join in the general joy of his people in congratulating H.M. on the happy nuptials of the Prince of Wales with the Princess of Saxe Gotha "etc. "The alliance of two august Houses, so remarkable for their glorious zeal, and firm adherence to the Protestant interest, we cannot but ascribe to your Majesty's paternal care and concern for the future, as well as present, happiness and security, of all your people; and the subjects of your Majesty's remotest Dominions have the greatest reason to exult in the happy influence of your Majesty's wisdom and councils, with the sincerest expressions of duty and gratitude etc. *Signed*, Geo. Clarke, 7 Councillors, 25 Assemblymen. 1 large p. [C.O. 5, 1093. ff. 453-454 v., 455; and (*duplicate of covering letter, endorsed*, R. Jan. 19th), 462-463 v.].

[Nov. 23.]

**460.** Agents of the Leewards Islands to the Council of Trade and Plantations. Submit following papers (*cf.* 16th Nov.) in justification of Governor Mathew, both in passing the Act of Montserrat and in seizing the *Future* and *Fleurion*. Refer to

1736. [460]

seizures by the French under the Edict of 1727. "A remarkable instance of which happened at Dominique, an island which the French, contrary to the evacuation agreed on between the two Crowns, have first peopled with several hundred families, and then call'd it their own, and afterwards seized our vessels for being within a league of its shore, tho' this is an island belonging to Great Britain *etc.* The French have not stopt here, but have gone so far as to seize and condemn several English vessells, at the distance of five leagues from any shore, instances of which memorialists are ready to lay before the Board *etc.* The most pressing applications have been made for redress, but only to the entire and further loss of the sufferers' time and expences *etc.* The Act of Montserrat was passed to stop these insults and depredations, to prevent illicit trade with the subjects of France, in defiance of the Treaties *etc.* The act has already had so good an effect, and has made the French themselves so sensible of the rigours of the Edict, that the French Governor at Martinico, has proposed to Governor Mathews a suspension of the execution of the said Edict on one side, and of the Montserrat act on the other, till the matters in dispute can be determined between the two Crowns *etc.*, which as it was the principal view of the said Act, soe Memorialists submit whether it is not reasonable, that the act should subsist till the Edict is revoked *etc.* Otherwise, H.M. subjects may be again exposed to the same injuries, and the French will construe the repeal of the Act as a tacit justification of their Edict, and insist on the same, as an authority for the establishing it *etc.* The papers already laid before the Board with regard to the seizures of the *Fortune* and *Fleuron* contain so full an answer to the French memorials, that Memorialists will not trouble the Board with a repetition thereof *etc.* Signed, John Yeamans, Ri. Coope, Tho. Butler, Henry Popple. Endorsed, Reed., Read 23rd Nov., 1736. 3 pp. Enclosed,

460. i. Extracts from letters from Governor Mathew to Mr. Yeamans, 26th May, 8 and 15th Sept., 1736, relating to the seizure of the *Fleuron*. Endorsed as preceding. Copies. 4 pp.

460. ii. Proceedings in the Court of Admiralty, Montserrat, 19th July, 1736, on the seizure of the *Fleuron* for illegal trade. Same endorsement. 4 $\frac{3}{4}$  large pp.

460. iii. Agreement for purchase of the *Fleuron* and her cargo by M. Fauchier. Signed, Fauchier. French. Holograph. 1 $\frac{1}{4}$  pp.

460. iv. Report by two Justices of the Peace, Antigua, 1st Sept., upon the complaint of M. Fauchier *etc.* Certify that since the seizure of the *Fleuron*, some of the cargo appears to have been consumed or embezzled by the English sailors of the sloop *Pall Mall*, or persons put on board to guard her *etc.* Signed, Robt. Arbuthnot, Harry Webb. 3 pp.

460. v. Copies of a French deputation from Martinique, and of an agreement made thereon for a composition for the *Fleuron*, 9th Aug. (N.S.), 1736. Endorsed as covering letter. French. 4 pp.



1736.

460. vi. Copies of correspondence between Governor Mathew and the Marquis de Champigny, Aug., Sept., 1736  
*Same endorsement.* 6 pp. [C.O. 152, 22. ff. 187-190 v., 192-197, 198-199 v., 200 v.-203 v., 204 v.].

Nov. 23.  
 Whitehall.

**461.** Council of Trade and Plantations to the Duke of Newcastle. Upon a letter of 3rd instant, need a copy of the French Edict, 1727. Having only been able to procure extracts of it, request his Grace to write to the Earl of Waldegrave, at Paris, for an authentic copy. [C.O. 153, 16 p. 61].

Nov. 23.  
 Annapolis  
 Royal.

**462.** Lt. Govr. Armstrong to the Council of Trade and Plantations. I did myself the honour to acquaint your Lordships in June last with my reasons for sending away the two priests Mr. De St. Poncy and Mr. Cheveraux out of the Province by and with the advice of the Council. The sequel shows how just my remarks were of their disregard to this Government, which I am no longer surprised at, since I find them so vigorously supported in that principle by Mr. St. Ovide de Bruillan, the French Governor of Cape Breton. One of the priests, Monsieur Cheveraux, stopt at Capt Sables to serve the Indian tribes in these parts as their missionary; your Lordships will perceive by the said Governor's letters that he approves his conduct. The other priest, Mr. St. Poncy, he has sent back again to this place; the minutes of Council will shew how we have received him, by forbidding him to exercise his ministerial function, and to depart by the first convenient opportunity; the inhabitants have petitioned strongly for his officiating this winter, I have not given them yet any answer, nor can I yet inform your Lordships of the Council's resolution the affair lying still before them. I have sent home all the papers and letters on this subject that your Lordships may have a full insight into this matter, which I thought necessary because I am assured that the French Court will make some stir therein. No. 1 is Mr. St. Ovide's first letter after Mr. St. Poncy's arrival at Lewisbourg. No. 2 is my answer. No. 3 is his reply. No. 4 is Mr. St. Poncy's declaration in Council. No. 5 are the minutes of Council and No. 6 is the petition of the inhabitants signed by 107 of the chief of them. By some of the above papers your Lordships will be informed how high the French Government carries her pretensions over their priests' obedience and the people of the Province being all Papists are absolutely govern'd by their influence; how dangerous this may prove in time to H.M. authority and the peace and tranquility of the Province I believe your Lordships can easily foresee: And how to prevent the ill consequences, I know not, without we could have missionaries from places independant of that Crown, but this will prove a considerable expence which the French King bears at present with alacrity for very political reasons. It is most certain that there is not a missionary neither among the French nor Indians, who has not a pension from that Crown. I shall not trouble your Lordships any further in this matter, only to

1736. [462]

beg that your Lordships would please to honour me with H.M. Instructions and directions how to behave myself in affairs of this nature for the future. The brigantine *Baltimore* of which I wrote to your Lordships before, I have now brought into this port; and as to the person who called herself Mrs. Buckler, I have now sufficient reasons not only to suspect her relation, but likewise herself. It's reported that the vessel aforesaid sailed from Dublin last fall with about sixty or seventy passengers most of them convicts, who it is supposed rose upon the owner Mr. Buckler, the Master and Company and committed a most barbarous massacre, and afterwards not knowing their course, or afraid to enter into any place where they might be known put in to a most unfrequented harbour in this Bay where they all perished (God knows how) except that miserable woman who perhaps was too deep involved in the guilt to discover the true story of their misfortunes. *Signed*, L. Armstrong. *Endorsed*, Recd. 24th Feb., Read 17th March, 1737. 3 pp. *Enclosed*,

462. i. Governor St. Ovide de Brouillan to Lt. Governor Armstrong.

462. ii. Lt. Governor Armstrong to the Governor of Cape Breton. Annapolis Royal. 26th July, 1736. In reply to his letter of 1st July, (v. No. iii), explains that he is mistaken as to the cause of his difference with the two priests he sent away "It was not so much for affronting myself and His Majesty's Council, as their affecting an independency and disowning H.M. authority in his own Dominions *etc.* The French Government would not have been so mild on such an occasion *etc.* *Continues* :—You are pleased to observe that the people of this Province are intitled to the free exercise of their religion by the treaty of Utrecht, which they cannot have without their priests. I am very sensible to the truth of what you say, but I must likewise remark that by the said Treaty it is stipulated that they shall only have it as far as the laws of Great Britain will allow. Now these laws very expressly declare the King's Majesty to be supreme in all causes and over all persons whatsoever in this own Dominions, consequently priests as well as others, whilst they reside in this Province, are obliged to obey his lawfull orders. You seem to lay the blame on me, that the people here are deprived of the ministry of their priests *etc.*, but I was no ways in the fault, the priests flying in my face, insulting the King's Council, and refusing obedience to the lawfull orders of authority with disdain and contempt *etc.* Suppose the woman [*Mrs. Buckler*], (v. June 29 and covering letter) to be such a person as you imagine her to be, yet I had sufficient reasons, as I was informed, that a rich vessell had been seized and plundered by the Indians at Tiboque, several murders committed *etc.*, to make all the enquiry I could to discover the authors *etc.* And as I was



1736. [462 ii.]

determined to send a Commission Officer for that purpose to Pombecoup, I thought proper to direct one of the priests to go along with him to exhort both French and Indians to make discovery of what they knew, and restitution and satisfaction for the injuries they had committed. M. Dentremort (*v.* June 2) was of opinion therein that this would be the most effectual means to lease the truth; nay, M. Chevereaux now seems to be of the same mind, who I find has stopt at Cape Sables in defiance of my orders, tho' he would not go half the way in obedience to my commands *etc.* *Has sent* an account of the proceedings home, and until he receives H.M. orders thereupon, cannot admit the return of these two priests, nor of any other tainted with such rebellious principles. *Signed, L. Armstrong. Copy. Signed, Otho Hamilton, Sec. Endorsed as covering letter. 3 pp.*

462. iii. M. St. Ovide de Brouillan, Governor of Cape Breton, to Lt. Governor Armstrong. Louisbourg. 8 Oct. (N.S.), 1736. *Reply to preceding. Abstract.* The two priests St. Poncy and L'Accadie were at most only lacking in politeness in refusing to obey your orders, which would have sent them away from the care of the flock committed to their charge. Their function, as agreed by you when I sent them as Missionaries, was limited to the religious instruction and spiritual aid of these people. It was in no way concerned with the affair over which you sent them away, nor did it give you power to use them for that purpose. The Article of the Treaty of Utrecht does not say that the Missionaries sent to instruct the French inhabitants in their religion should be regarded as subjects of the King of Great Britain and subject to the orders of those in command in the Province. Besides, their residence being only accidental, ought not to be looked upon in the same light as that of inhabitants who remain by choice and their own free will. As you do not complain that these ecclesiastics have led the French inhabitants to withdraw from the obedience due to you, I do not see that their action merits the punishing you have inflicted upon them. *Regrets that* it is his duty to send M. de St. Poncy to the ministry to wh. he was appointed by the King's orders, and hopes that the Governor will permit him to execute his religious functions there, to which he has expressly instructed him to confine himself *etc.* *Has sent* an account of these proceedings to the Court of France, and thinks that they ought to make no change in the conduct of affairs till the matter is settled there *etc.* *Concludes:—*M. de St. Poncy having been ill last year keeps near him M. de Chevereaux, who was sent from France by the King's orders to minister to the savages about the East coast of Acadie, as I have had the honour of informing you. I was

1736. [462 iii.]

surprised that this Missionary did not go there last spring. In withdrawing from Annapolis Royal now he is only following his first destination *etc.* *Signed*, Brouillan. *French. Copy. Same endorsement.* 3 pp.

462. iv. *Same to Same.* 1st July, (N.S.), 1736. *Abstract.* *Acknowledges* letter and deposition of Mrs. Buckler, Charles Dentremount and George Mitchell (v. 19th June). I see Mrs. Buckler makes great complaint of the savages of Cape Sables and the losses she has suffered. Nothing could be more fabulous than her statements. It is fortunate for her that no one remains on the *Baltimore* to enlighten you as to the truth. I think this woman is a wicked adventuress, and is perhaps guilty of dreadful crimes on this occasion. For is it possible that she alone could endure all the fatigues and ills which have caused the death of all the crew? I will do my best to find at least a good part of what the savages have pilfered from the ship. *Expresses his* surprise at the arrival of M. de St. Poncey, Curé of the parish of Annapolis Royal. *Reminds him* that the Treaty of Utrecht provides that the Roman religion shall be observed by the inhabitants, which can only be performed by the Missionaries. *Continues* :—I have done all that was possible to find subjects agreeable to the Government, and recommended to them above all things not to concern themselves in any way with temporal affairs. You inform me that M. St. Poncey and Cheveraux have shown a lack of respect in their language to you and the Council. But I should not have thought that a considerable number of poor inhabitants ought to be deprived of spiritual aid for so trivial a reason. It is very difficult to find Missionaries who are willing to go and sacrifice themselves in places such as those, and it costs the King my Master considerable sums. M. de St. Poncey wished to sail for France, but I have detained him here, in order to learn whether you would be willing that I should send him back to his parish. I shall never do it without the consent of yourself and Council; all the good which you have written to me about this missionary, and all I have been told by people of your district, make me hope that you will be willing to forget *les petites vivacités* which occurred on that occasion *etc.* M. Cheveraux has remained at the Mission of Cape Sables, to minister to the savages of the East coast, as I had directed him last year *etc.* I am writing to him to do all he can to discover all the savages have plundered from the brigantine, and the truth of this affair *etc.* *Signed and endorsed as preceding.* *French. Copy.* 2 $\frac{3}{4}$  pp.

462. v. Petition of inhabitants of the River of Annapolis Royal to Lt. Governor Armstrong. Request that



1736. [462 v.]

M. de St. Poncey may be allowed to perform his Ministry amongst them, as they have long been deprived of all sacraments *etc.* *Signed by*, "107 of the principal inhabitants." *Endorsed as covering letter. French. Copy.* 1 $\frac{3}{4}$  pp.

462. vi. Ministry of Council of Nova Scotia, 20th and 25th Oct. and 10th and 11th Nov., 1736. The return of M. de St. Poncey was unanimously voted to be highly presumptuous and injurious to H.M. authority. It was resolved that no priest should be allowed to exercise his ministerial functions until he has taken an oath of fidelity to H.M. during his residence in this Province, and that all letters relating to this affair be transmitted home for H.M. directions. St. Poncey, examined (25th Oct.) explained that he had been commanded back by the Governor of Cape Breton in the King's name, and to ask leave of Lt. Governor Armstrong to continue his parochial functions. The Council decided that he should be sent out of the Province by the first opportunity, and not be allowed to exercise his priestly function, but give his parole not to remove out of the ban lieu. St. Poncey gave his word accordingly, promising to give no offence to the Government during his stay. On Nov. 10th the petition (No. iv) was read and ordered to lie upon the table *etc.* *Endorsed as preceding. Copy.* 2 pp. [C.O. 217, 7. ff. 202-213 v., 214 v.].

Nov. 24.  
Georgia  
Office,  
Westminster.

**463.** Mr. Verelst to Mr. Popple. *Abstract.* Reminds him of petition for stores of war for Georgia referred to the Council of Trade and Plantations 30th July, 1735. Being alarmed with reports of dangers with which the new settlement is threatened, the Trustees beg for the Board's directions thereupon. *Signed* Harman Verelst. *Endorsed*, Recd. Read 25th Nov., 1736. *Addressed. Seal.* 1 p. [C.O. 5, 365. ff. 151, 152 v. *Copy in Trustees' Letter Book, C.O. 5, 667. p. 2.*]

Nov. 24.  
Brompton.

**464.** Wavell Smith to Mr. Popple. I send you an attested copy of the Assembly of St. Christopher's message to the Council offering £110 p. annum for publick business in lieu of the Act appointing £60 p.a. I hope you have laid the paper before their Lordships that was put in answer to some observations made by Mr. Sharpe or somebody on the accot. allowed, and stated by the Governor and Council of St. Christs. abroad, and ever unobjected to by the Assembly. I beg the favour you will let me know when I may expect their Lordships' report, for I have a great deal of money due to me which I can't come at till that Bill is rejected, and in the meantime Mr. Mathews has employed the clerks in the Office at St. Christs. for Minutes of Council and sundry papers (said by him) to be sent for by the Board of Trade. This shews the injustice of any stated sum for publick business and I hope will induce their Lordships as they demand

1736. [464]

a variety of papers for H.M. Service to be of opinion that the Secry. who furnishes them ought to be paid what has been the usual allowance for the same, especially as he has no salary from the Crown, and his income arises from eventual fees. Praying if you have any commands for me, direct for Mr. Dodsley at Tully's Head, Pall Mall. *Signed*, Wavl. Smith. *Endorsed*, Reed. Read, 25th Nov., 1736. *Addressed*. 1 p. *Enclosed*,

464. i. Resolution of Assembly, St. Christopher, 1st July, 1735. Concurring with Council that the Secretary be allowed £110 current money p. annum in lieu of £60, the present settlement for executing the office of Clerk of the Council and Clerk of the Crown, provided he accepts the same for all charges whatsoever attending the execution of the said offices. The Secretary having represented that there was due to him, at the time of making that Act which settled the said £60 p. ann. upon him in satisfaction of all demands he otherwise might have made for services done as Clerk of the Council and Clerk of the Crown, the sum of £188, for which he was allowed but £70, tho that was a debt due to him from the publick before the making of the said Act which had no retrospection in such cases and this House being of opinion that the said debt ought not to have been considered under any rules prescribed by that Act, but to have been settled according to the methods used on such occasions, before the said Act was in force. We therefore desire you wou'd agree with us that the said Secretary be paid the sum of £118, being the ballance on the aforesd. £188 *etc.*, provided he can make it appear that so much was then justly due to him according to such former methods of settling such accounts. *Signed*, A true copy. James Losack, Clk. Assembly. 1 p. [C.O. 152, 22. ff. 236, 237, 239 v.].

Nov. 24.  
Whitehall.

**465.** Council of Trade and Plantations to the Committee of Privy Council. We have had under our consideration, your Lordships' reference of the 3rd of June last, and the Petition therein inclos'd, of Murray Crimble and James Huey of London merchants in behalf of themselves and several others, praying for a grant of lands in North Carolina, and proposing to make a settlement thereon of six thousand Swiss, Palatines and other foreign Protestants of Germany, within the space of ten years, from the date of their grant. Upon the subject of this Petition we have several times been attended by the Petitioners, whom we find willing to undertake the settlement proposed in North Carolina, in an uninhabited part of the country. At the heads of the Pedee, Cape Fear, and Neus Rivers, under the following conditions, vizt., That they be allow'd one million two hundred thousand acres of land to be survey'd in twelve different parcels of one hundred thousand acres each. That these twelve parcels be laid out, as contiguous as may be, but none of them to be at



1736. [465]

any greater distance than ten miles from some other of them. That these twelve parcell's so survey'd be granted by the Governor to Mr. Crimble, Mr. Huey and their associates, in such proportions as shall be required by them; but no grant to contain less than twelve thousand acres. That Messrs. Crimble, Huey and their associates do pay the usual fees for surveying and passing the grants of the said tracts. That all the grants be made by the Governor immediately upon the return of the surveys to him and that they do bear equal date with each other. That the commencement of the Quit rent be computed from the expiration of ten years from the date of each particular grant; which Quit rent, is to be four shillings Proclamation money for every hundred acres included in the said grants. Altho the quantity of land propos'd to be settled in this manner is very great, amounting to the proportion of two hundred acres for each person design'd to be settled thereon in ten years, yet as the Petitioners propose, not only to transport at their own expence the aforesaid six thousand foreign Protestants, to be at the charge of laying out and surveying the land to be assign'd to them, but also to provide provisions for them, for the first year, and the necessary materials for labour, we cannot but think their undertaking very much for H.M. Service, and the interest of a Province, where there are vast tracts of land, neither cultivated nor claim'd by any person; especially as it will be the means of encreasing H.M. quit rents, improving the trade of the Province, and extending their settlements by protecting their frontiers. We are therefore of opinion that H.M. may be graciously pleas'd to comply with the prayer of their Petition and instruct his Governor of North Carolina to grant to the Petitioners the land they desire in the manner before proposed, and upon the conditions aforementioned; provided he take care in the grants to be made for this purpose, that no parts thereof be already granted to any other persons, and provided that if within the ten years aforementioned each grantee do not carry over and settle one white person for each two hundred acres of land contained in his grant according to the proposal, such grant shall be void [C.O. 5, 323. ff. 123-125].

Nov. 24.  
Whitehall.

**466.** Council of Trade and Plantations to the Committee of the Privy Council. Representation upon petition of Samuel and Joseph Wragg, referred 14th Aug. 1735, for grants of land in South Carolina. Have been attended by Samuel Wragg and Mr. Shelton on behalf of Joseph Wragg. *Continue* :—Petitioners are willing to engage themselves not only to pay the usual quit-rent of four shillings Proclamation money for every hundred acres contain'd in their grant from the date thereof, but to transport thither at their own expence three hundred persons, within the term of five years. They have also proposed to pay their quit rent either in Carolina or in London: But as there are proper officers in the Province of South Carolina, to whom every person who holds any land there is accountable for the quit-rent thereof, we must submit it to your Lordps. whether

1736. [466]

it be more eligible to continue the usual method *etc.*, or whether the quit rent to become due upon these two tracts shall be paid into the Treasury here. With regard to the petition in general, we see no objection why H.M. may not be graciously pleas'd to comply with the prayer thereof, provided orders be sent to the Governor of the Province, that he take care in making the grants petition'd for to except out of them such parts thereof, if any, as may already be granted to or settled by any other person; that the petitioners be obliged to import into the Province three hundred persons, within the first five years, from the dates of their grants; and that the aforementioned quit-rent do commence from the dates thereof. [C.O. 5, 401. pp. 186-189].

Nov. 26.  
Whitehall.

**467.** Mr. Popple to Mr. Fane. Encloses for his opinion in point of law, Act of Virginia, 1734, *to vest certain entailed lands etc. in Charles Tomkies, Gent. etc.* [C.O. 5, 1366. p. 140].

Nov. 26.  
London.

**468.** Mr. Partridge to Mr. Popple. Encloses following by Capt. Caine *etc.* Signed, Richd. Partridge. Endorsed, Recd. 26th, Read 30th Nov. 1736.  $\frac{1}{2}$  p. Enclosed,

468. i-vii. Copies and translations of the French papers of the process against Capt. Caine (v. Nov. 20). Warrant for his imprisonment at Martinique; his petition for defence; his examination; acquittal on first charge; appeal against order for paying costs; condemnation at second trial *etc.* 10 pp. [C.O. 5, 1268. f. 230].

468. viii. Memorial by Edward Caine, drawn up in Paris, to serve for instruction to Lord Waldegrave *etc.* 9 pp. [C.O. 5, 1268. ff. 230-232, 233-235, 236-237, 238-242, 244 v.].

Nov. 26.  
Santiago de  
Cuba.

**469.** Mr. Cocke to Commodore Dent. Nov. 3, (N.S.), 1736. Altho hitherto have not been hond. with your acquaintance, still have had the pleasure of knowing your worth, justice and merit in all your proceedings, the which induces me first as I think it's my duty to my country, and secondly as am certain you will prevent if possible all mischief that are or shall be cooking or hatching against H.M. Colonys, therefore as this opportunity is of a sudden, have but just time to inform you that the 28th ultimo N.S. arrived here an advice boat from Cadiz in fifty days with some packets of letters for the Havana. She is to stay here but a few days, and then proceed for Cartaxena, with dispatches to the sevl. Governors of New Spain, with advice to the commerce of Lima, that there is coming from Cadiz seven merchant ships stiled by the name of register ships, and two men of war for their convoy. The material point which I thought was necessary of advising you is this, that in this advice boat came a gentleman passinger, he goes here by the name of Dr. Miguel Wall, he pretends he is an Irish man, and has he says a commission for a Lieutt. Colo. of Dragoons and also a Commission for Captain of a man of war, which he says is now ready



1736.

[469]

for him in the Havana, he has letters of credit and recommendation from Patino. He is very gay and brisk, and our Govr. here made very much of him, and gave a charge to the Alcalde of his district to see the said gentleman should want for nothing in his way to the Havana, the bustle and stir they made here of this man's arrival made me a little inquisitive, and curious to know what errant he was sent upon, by the King of Spain, accordingly invited him to the Factory to dinner, and finding him a free, facetious gentleman, and loved his glass, I applyed him home, and as oftentimes men over their cups drops words strangely they don't think of, so by this means I came to the knowledge he was no Irish man, nor was his name Wall, but if I am right his name is Peter Jacob D'Tombe formerly a lieutenant in the English Service, but am not certain of it, but as to his errant he came upon think I pretty well sifted him, and it seems he is to make a descent on the new settlement of Georgia. He is to be supplied both money and men at the Havana, and to go with his man of war and other craft and peraguas to St. Augustin in Florida, and there joyn another party, with some Indians to march to Georgia. He seems to me to have a notion, as far as I learn, to have a Proclamation publish'd in the King of Spain's name, that all slaves that will come in to them, shall have their freedom and a reward *etc.* This is all I know at present, so I conclude that I sincerely wish, that this gentleman may be disappointed by an early advice to the Governor or Chief Commander of that Colony, and if I can be serviceable in my present station as Factor to the Royal Assiento Company, or otherwise, none shall be more ready or punctual to execute your commands than, *Signed*, Leonard Cocke. *Copy.* 2½ pp. [C.O. 5, 388. ff. 137-138].

Nov. 27.  
New York.

**470.** Lt. Governor Clarke to the Council of Trade and Plantations. In my letter which I did myself the honour to write to your Lordships the 18th of October I acquainted you that I had reced. Her Majestie's Instructions directing the Form of pray'r for the Royal Familly but not having then time to inform your Lordships particularly of affairs I beg leave now to give you a plain and further narrative. When Morris arrived at Boston, not knowing how things stood here he owned that the Administration of the Government would remain in my hands till the King's pleasure should be known, and his son who came with him said he saw the Instruction mentioned made out for me in one of the offices at home, that he offered to bring it but was refused, but said that it would be sent to me in Pajecoe's ship, this peice of news was incerted in our Gazette hoping some good effect from it. But Morris had not been long at Boston before he and his son changed their note and denied what they had before said, whether upon the informations he might receive from his friends here of the measures they were takeing to keep the Assembly from sitting, or upon discoursing his son in law Capt. Norris who went to Boston to him, I don't know tho the circumstance of time in which they changed their note happened

1736.

[470]

to be just after Capt. Norris arrived at Boston ; however it was, the design was about that time laid to prevail wth Mr. Van Dam to appoint a Mayor and other officers for this City and the like for Albany wch. he did on the 29th of September that being the anniversary day for that purpose tho they are not sworn into their offices till the 14th of October ; about the 9th of October Morris came to town, being met by Mr. Van Dam and many of his friends with whom he marched thro the streets to a tavern where a supper was prepared : Morris, I am told, seem'd surprised that Mr. Van Dam had not the Administration of the Government in his hands, assured them it belonged to him, complimented him, drank his health and adress'd himself to him by the title of President of the Council and Commander in Cheif of the Province, insomuch that those who were present at supper expected every moment to see him produce some orders for that purpose : before the company broke up, Morris made a long harangue to incite the people to persist in their measures against the Government, concluding his speech thus, let us stand by one another and hang them or they will hang us ; on the 12th of October the members of the Assembly who were in town met to debate whether they should sit, Morris, who is one of them bringing a great number of people with him, and throwing open the door of the Assembly Room hoping by the appearance of so many to deter some of the members who were for sitting, but ye majority carrying it for shutting the door they enter'd on the debate wherein Mr. Van Dam's and my right to the administration of the Government was canvassed, Morris argued strongly for Mr. Van Dam and among other things said that he was so well assured of Mr. Van Dam's right that if he would give him a Commission he would act under it ; this confident speech deliver'd by a man just come from England and who it was supposed knew how the thing was understood at home stagger'd some good men, but there being more members expected in town that evening they put off the further debate till the next day, but early in the morning of that day before the members were to meet, Pajacoe's ship came in and brought the Instruction, so surprising an event astonished the whole Faction, every man saw then plainly the truth of what had been wrote from Boston, that that Instruction would be sent in Pajacoe's ship to me, and were highly enraged at Morris for thus imposeing upon them, blinding their eyes and leading them to the brink of rebellion and distruction, Morris finding the storm gathering against him hoped to weather it by his affidavit wch. he took, denying that he knew heard of or believed that that Instruction would come directed to me, and his son swore too that he never said at Boston what I have before mention'd ; however the events hapening just as they were said they would in Bradford's Gazette, establish'd the truth of what was there said beyond all doubt, and every one beleived the father knew it as well as the son, thus instead of clearing themselves they made all the world, nay all the Faction, look upon them as perjurd wretches and the vilest of men and are fallen never to rise again : that a tumult



1736. [470]

would have ensued and overt acts of high Treason would have been committed the next day will, I presume, be evident to your Lordships from hence, for that the next day Van Dam would have sworn his Mayor and other officers into their offices, I must have done the like to those of my nomination; there being then two setts of officers each would have acted, the people were prepared to support Mr. Van Dam's I must have supported mine who would have sent to me for assistance, and I must have sent them a detachment from the garrison both to protect them and to have assisted them in quelling the tumult in which many lives on both sides might have been lost, and many more been guilty of high treason; but if it should be said that all this was done only to keep the Assembly from sitting and that Mr. Van Dam would not have sworn them, let it be considered that had that only been their intention they would not have put him upon sending Commissions to Albany for the Mayor, Sherif and Recorder of that City with a dedimus to swear them on the same day which he could not recall; for, fearing the sloop by wch. they were sent would not arrive time enough, they ordered the master of it to send it express by land if he saw there was occasion, and the master finding he could not reach Albany in time did send them by an express wch. arrived there the night before they were to be sworn; however they were wiser than those who sent them and would not qualifie themselves, but that Van Dam could not foresee, nor could he have recall'd in time his dedimus or commissions, and that there was no tumult or rebellion at Albany is not owing to Van Dam or his advisers, for, poor man, he is not capable of judging for himself and is much to be pitied, and if it be true that Alexander Smith, and the other ringleaders of the Faction here, were (as I am told they declare they were) kept in the dark as to the Instruction and encouraged by Morris to go the lengths they did, the blame will all lye at his door. The Instruction comeing so seasonably the Assembly met the same morning and put the Speaker in the Chair, the season of the year would not suffer them to sit long, and from thence and for want of having the Treasurer's accounts they have put off the providing for the deficiencies of the Revenue, wch. are very great, to the next Session; this was a cruel stroke to me who am already above a thousand pounds out of pocket without having reced. a single shilling from the Treasury since Brigadier Cosby's death, or a possibility to receive a shilling till the deficiencies are made good, I am obliged to live at a great expence and to pay all contingent charges out of my own pocket, if a Govr. should be appointed before that be done I am inevitably ruined, nor is there any other possible way to revive the spirit of party or to prevent me from establishing the peace and content of the Province fixing it upon a sure foundation and makeing it a more flourishing country than ever and this I dare undertake to do at the hazard of all that's dear to me if H.M. will be graciously pleased to give me a further continuance in the administration of the Government, but if a Govr. comes before these things are fully settled the province will be thrown into as great convulsions

1736. [470]

as ever : I beg leave therefore to become an humble petitioner to your Lordships for my own sake, for the sake of the officers of the Government who groan under a long arrear of salary but especially for the sake of the Province to consider our past miseries, our present condition, future expectations and to represent all to H.M. in such a light as your Lordships think best for H.M. interest and the quiet and prosperity of the province, wherein I beg to be understood too of such Instructions and orders as may enable me to quiet the fears of those who may live in apprehension of being question'd for their past actions; as yet I have called no man in question and I dayly find the good effects of it. On the 10th instant I put an end to this Session of Assembly prorogueing them to the last Tuesday in March, having first given my assent to all their bills tho it was strongly insinuated I would not as they had not made good the deficiencies of the Revenue, they were wonderfully pleased that I assented to them and so they were that the Council satt this Session without me, it being never done before, we parted in very good temper and they promised to do next Session what I proposed this. The Bills that I assented to are these. 1st An Act to continue the Militia Act. 2nd An Act to revive the act for the speedy furnishing and releasing such persons from imprisonment as shall comitt any criminal offences in the City of New York under Grand Larceny. 3rd An Act to revive an Act for mending and keeping in repair the post Road from New York to Kingsbridge. 4th An act to revive an act to prevent swine running at large in Dutches County. The first of these Acts being to continue one in being and the rest to revive others that have formerly passed and expired by their own limitation want no remark. 5th An Act to enforce part of an act for raising fifty pounds in Schanectadie. This act I think very just and necessary both as it provides for the payment of money advanced by private persons for a publick service and as it enables the people of the town to mend their streets which in some places at some seasons of the year are not passable for carriages, which is very inconvenient to the inhabitants who carry on a considerable trade of flower and other goods. 6th An Act continuing the Act to let to farm the Excise. This is an anual act with this difference only that this year the Excise of New York is by the Act itself let to a particular person who gives more than in other years it has been let for. 7th An Act for paying sixty pounds to Mr. Barclay. This young man has apply'd himself to the learning the Indian language, has taught the Indian children to read and write and brought many others over to the Christian Religion; he is going to England to take orders and hopes to be employd by the Society for propagating the Gospel as their Missionary to the Indians; the thing deserves encouragement and I hope will have it. 8th An act to Enable the Justices of Peace in Orange County to build a new Jail. This is a very necessary work in all places and in this it is very much wanted. 9th An Act to revive an act for the speedy punishing and releasing such persons from imprisonment as commit any criminal offences under the degree of Grand



1736. [470]

Larceny in the several counties therein mentioned and to include the City and County of Albany and the County of Suffolk. The Act that this revives has been found so very beneficial that not only the Counties to which it extended desired a revival but others have desired to be included in it. 10th An Act for the better clearing regulating and further laying out publick High Roads in the County of Westchester. This act is necessary for the ease and benefit of travellers and for all the people of the County, nor can any new roads be made or the old ones kept in repair without it. With the Acts I do myself the honour to send your Lordships the Journals of the Council and Assembly ; and also the Minutes of Council to the 18th of November, whereby your Lordships will be pleased to observe that I have not drawn any warrants since those became due the first of June, hoping that H.M. will be graciously pleased to give me the whole salary, as I have the whole burthen of expence, wherein I humbly entreat your Lordships to give me your protection, and if I draw for one half only I doubt and am almost sure the Assembly will not make any provision for the other half when they make good the deficiencies *etc.* *Signed*, Geo. Clarke, *Endorsed*, Recd. 21 Jan., Read 25 Jan. 1736. [C.O. 5, 1058. ff. 163, 163 v., 164, 164 v., 165, 165 v.].

Nov. 29.  
Cape Fear.

**471.** Governor Johnston to the Council of Trade and Plantations. The inclosed proposals I have drawn up after trying what could be done for H.M. interest and the settlement of the country, with two Assemblies and after considering with all the attention I am capable of the State of the Province and the dispositions of its inhabitants. Ever since the year 1719 when South Carolina rebelled against the late Lords Proprietors, the Assemblies of this Colony have been encroaching upon the rights and revenues of their superiours at home, and the first Governor from the Crown here did so entirely neglect everything relating to its interests, that the people are fully persuaded they may make as free with H.M. now as they did formerly with the Lords Proprietors. I doe not know any method so effectual to convince them of the contrary as H.M. establishing some such orders as these because they will then see plainly H.M. can doe himself justice without their assistance which is a point that all the pains I have taken (which have not been small) has never yet been able to convince them of, and if there is not something done soon to shew them their mistake, it may, nay it certainly will, in time prove a very troublesome affair. As H.M. is Sovereign of the Province and Proprietor of seven parts in eight of the soil, I do not apprehend that there can be any objection in point of law against anything contained in these proposals. As to the Laws of the country, there are none of them (except six which don't at all relate to these matters) confirmed by the Board of Proprietors, without which confirmation and its being declared publicly at the next Biennial Assembly the Charter pronounces all laws void, so that the king has all these laws in his power. Whether your Lordships will judge it expedient to advise H.M.

1736. [471]

to make such orders is what I must humbly submit to your better judgement. I shall however give the reasons why I offered them to your consideration, as to the first two I hope I have said enough in mine of the 16th of last month from Edenton. For the 3rd I must observe to your Lordships that the people who hold lands under the late Lords Proprietors are not obliged by their patents to bring their rents to any certain places, and consequently (as I am told by the lawyers) the rents can't be demanded but on the lands themselves, I was mightily puzzled with this difficulty when I began to collect the quitt rents, for their habitations are so scattered and lye at such a distance from one another, that it is impossible the Receiver could go about among them, I was therefore obliged to take the method mentioned in this article to induce them to come to the Court houses and pay, by which I got pretty well over the difficulty for that time, but lately since Mr. Burrington's paquets have come in, this objection is trump't up again and instill'd into the minds of the people with more assiduity than ever, so that I think it is become necessary to have H.M. sanction for it. In South Carolina they pay at three places only for the whole province. As to the latter part of it about commodities, it depends upon your Lordships' judgement whether they are to be allowed to pay in any. If you think it proper to indulge them so far, there must be some such restriction as to the places for receiving it. I believe I need not enlarge on the 4th article, the necessity of some such order being self evident, as also that of the 5th. There are a great many persons sett down on lands who have never apply'd for any grant. The reason they give for it is, that they are assured by Mr. Moseley and the family of the Moores, that the quitt rents are too high for the poor people and that they with the assistance of Messrs. Burrington and Wrag will procure an abatement at home, and then it will be time enough for them to take out grants. In order to explain the 6th article I must inform your Lordships I brought over a draft of a patent by the late Attorney General and present Lord Chief Justice. But upon the first Assembly's rejecting the Quitt rent law, it was thought proper in order to secure H.M. rights to make some provisions in the body of the patent. The first was that the quitt rents should be payable at such places as the Governor in Council should appoint and this was to prevent the inconvenience I have now mentioned. The second was that a doquet of that grant should be entered with H.M. Auditor or his deputy in six months and the third this clause of cultivation, without these the patent was to be null and void. Experience has justified the prudence of the two first of these provisions, but tho I think the third was an error on the right side, it has been a vast hardship on many poor families. If they possess 500 acres of land, in three years they are obliged to cutt down the trees (which are here very large and grow very close) of 15 acres of land and to plant and fence it in. I now plainly see that it is impracticable unless they entirely neglect building a tollerable house or raising a stock of cattle, the want of either of which exposes them to



1736. [471]

great sickness and misery in a country where both the heat and the cold are extreme. There will in particular be a great demand for cattle if so many foreigners come into the country. It is therefore proposed that there be such an alternative as is expressed in this article which will equally oblige the people to reside on their lands as the former, which is a much more rigid cultivation than is required in any part of America. It was thought more proper to apply to H.M. to do this than for the Governor in Council, because precedents of any alteration in form of grants already established ought to be avoided as much as possible. The form of a patent is in the Minutes of Council sent to your Board. The 7th article your Lordships will find very reasonable if you please to consider that Edenton is within thirty miles of the Virginia line and two hund'd. miles distant from Cape Fear where most of the Council have their habitations and Newbern is much nearer the center of the Province. I have not been able to hold above two Courts of Chancery since I came into the Province upon this account. If there is any law confining the Courts to Edenton, it is more than I know, but if there is, it never was confirmed by the Lords Proprietors, and the Province is so much altered since, by the peopling of the southern parts that it is highly proper to repeal it *etc.* Thomas Wardroper Esq., late Surveyor General recommended by your Lordships as a fit person for a Councilor is lately dead. PS.—If there are any patents since 1724 confirm'd, which were not preceeded by regular surveys I must once more repeat it, that it will cause very great confusion in this province. *Signed,* Gab. Johnson. *Endorsed,* Recd. 18th March, Read 22nd April, 1737. 3 $\frac{3}{4}$  pp. *Enclosed,*

471. i. Orders proposed to be made by H.M. in Council for preserving H.M. revenue, and quieting the minds of the inhabitants in their possessions in N. Carolina *etc.* 1st. That the Biennial Law passed in the time of the late Lords Proprietors be repealed, and no precinct in the Province of North Carolina be allowed to send more than two members to the Assembly, on any pretence whatsoever, and that no law for erecting any new precinct for the future shall be of force until H.M. pleasure is known. 2nd. That in order to putt an end to all disputes which have arisen about the validity of Patents granted in the time of the late Lords Proprietors it be declared: 1st., that no patents dated before the 25th March, 1724, shall be called in question upon any pretence whatsoever by H.M., his heirs or successors: 2nd., that all persons who hold lands by patent under the Lords Proprs. since the year 1724, if they have cultivated or built upon the same shall (notwithstanding the late Lords Proprietors' prohibition to the Governor and Council to dispose of any more lands) have them confirmed at the quitt rents mentioned in their patents, upon proof made on or before the 25th March, 1738, before the Governor in Council

1736. [471 i.]

that such patents were preceeded by regular surveys, if not regularly survey'd, they may still have them at the quitt rents mentioned in H.M. Instructions. 3rd. That no patents for lands dated since 1724 which have never been cultivated or built upon shall be deemed valid or good without proof being made in the time above mentioned of their having been preceeded by regular surveys. 4th. That all patents in the name of the Lords Prop. dated since the soil became vested in H.M., be [*torn*] such as have cultivated even under these Patents a [*torn*] upon the lands at H.M. Quitt rents. 5th. That in receiving the rents due for lands held under [*torn*]. If the Receiver is obliged to go upon the lands, he shall take the said rents in gold and silver and in nothing else. But from such as attend at the receipt at the Court houses of the respective precincts he shall accept of payment in bills of currency of the Province at the exchange as shall be settled yearly by the Governor in Council, and that he be obliged to accept in payment of quittrents of hemp merchantable and well dressed at the rate of 20 shill. p. hundred and flax well dressed at the rate of 30 shill. p. hundred. Provided they are delivered free of all charge at the following places viz. Edenton, Bath, Newbern and a place commonly called Newton on Cape Fear River, and all rents for lands held under the late Lords Proprietors be paid in or at the rate of sterling money. 6th. That the Attorney General shall prosecute with the utmost severity in the Court of Exchequer all persons who have or shall presume to box pine trees or burn light wood on H.M. lands, and that on the conviction of each offender the Receiver General be ordered to pay twenty pounds currency to the informer. 7th. Whereas many persons have satt down on H.M. lands and neglected to take out grants or patents for the same. That all such persons shall be charged with the payment of quittrents from the time of their possessing these lands, and this rule to be observed for time to come, and in case they shall continue above the space of one year without applying for a grant then the lands may be granted to any other person applying for them. 8th. That among other conditions of the grants or patents for lands in [North Ca]rolina, It is expressly provided that the grantee within [*torn*] years after the date of his grant shall clean and cultivate at [*?least thre*]e acres for every hundred so granted. In order to encourage the inhabitants to build good and sufficient houses on their lands and to breed and rear live stock. That for the future the said clause of cultivation shall be expressed in the following words " Provided always that in case the said AB., his heirs or assigns shall not within the space of three years after the date hereof



1736. [471 i.]

clear and cultivate according to the proportion of three acres for every hundred, or build a good and sufficient house or put and keep upon the said land five head of black cattle and ten hogs, and also *etc.*, and that the same method of cultivation shall take place in all the lands already granted by H.M. and be reckon'd as sufficient if express'd in the grant. 9th. That as the holding all the Courts, particularly that of Chancery where all the members of H.M. Council are obliged to attend at a place so near the extremity of the Province as Edenton, is found to be by experience very inconvenient. That for the future the Court of Chancery be held twice each year, viz. on the first Tuesday of December and first Tuesday in June at Newbern, at present the most central place of the Province, where all the members of Council shall be obliged to attend under pain of suspension without a reasonable excuse, and at the same time and no other all grants for lands shall be passed by the Governor in Council, and that the Governor with the advice and consent of Council may remove the other Courts to Newbern when it shall be judged for H.M. service or the good of the Province, and that the offices of the Secretary, the Surveyor, Receiver and Auditor General with all other offices be for the future kept in the said town of Newbern, any law custom or usage to the contrary notwithstanding *etc.* *Same endorsement.* 3½ pp. Torn. [C.O. 5, 295. ff. 83-86 v.].

Nov. 30. **472.** Mr. Fane to the Council of Trade and Plantations. Has no objection in point of law to Act of Virginia to *vest certain entailed lands etc. in Charles Tomkies, Gent. in fee simple etc.* Signed, Fran. Fane. Endorsed, Reed. Read 30th Nov., 1736. ¾ p. [C.O. 5, 1324. ff. 34, 37 v.].

Dec. 1. **473.** Col. Thomas to the Council of Trade and Plantations. Reasons offered against the Act of Montserrat, *for preventing trade between H.M. subjects and the French.* Abstract: (i) Being of an extraordinary nature, it should have had a suspensory clause. It may affect British trade and shipping, should the French make reprisals, and so cut off from the Leeward Islands the supply of negroes and provisions which are usually carried first to Barbados. (ii) The Governor being forbidden by his 74th Instruction to grant commissions of marque or reprisals against any prince or state or their subjects in amity with us *etc.* without H.M. especial command, Governor Mathew ought not to have granted any such in consequence of the said act, or rather of the French Edict, that act, it is conceived, being calculated chiefly to colour his disobedience to this Instruction. (iii) The 5th and 6th Articles of the Treaty of 1686 relating to vessels in distress, ought to have restrained him from passing this act, *etc.*, as seizures of French ships under this act may

1736. [473]

affect planters and traders in the Leeward Islands in general, Governor Mathew should have called a General Council and Assembly of the four Islands, to judge of its necessity and reasonableness *etc.* There is no real need of such an act, the laws in force being sufficient to prevent illegal trading *etc.* *Endorsed*, Recd. (from Col. Thomas), Read 1st Dec. 1736. 3 pp. [*C.O.* 152, 22. ff. 249–250 v.].

Dec. 1.

**474.** Memorial of Merchants trading to and interested in H.M. Plantations in the West Indies, to the Council of Trade and Plantations. *Abstract.* By his Edict of Oct. 1727, the French King has altered, in a very material and important point, the terms of the Treaty of Peace and Neutrality (confirmed by the Treaty of Utrecht) *etc.*, for the Edict forbids strangers to touch at, or sail within a league of, any of his islands *etc.* The regulations in the Edict affecting vessels in distress are contrary to humanity and the practice of all civilised nations *etc.* Under colour of these Letters patent, the lawful trade of H.M. subjects has been molested, and their vessels and goods arbitrarily seized in the high and open seas. Such vessels have been carried into French ports, and there confiscated, and their commanders and crews shut up in dungeons where they could hardly breath, and subject to great pecuniary penalties, though they do not appear to have done any act which is criminal by the law of nations, or prohibited by any treaties made between the two Crowns. On remonstrances made to the French Governors and the Court of France, such seizures and treatment have been justified as lawful, *etc.* The open seas which bound the territories of the French King are, memorialists conceive, like other open seas free to all nations *etc.* Acquiescence in such confiscations will be tacitly owning a right of dominion in those seas in the French King, which may in time be of fatal consequence to the English nation *etc.*, for by the same rule that the French King can forbid the subject of any foreign nation to approach within one league of his shore, he may forbid them to approach within ten. The British subjects in America, finding by an experience of many years that applications for redress were vain, the Legislature of Montserrat have lately passed a law, by which the vessels of any foreign nation, coming within a league of their shore, is likewise subject to confiscation *etc.* *Refer to the cases of the Fleuron and Fortune seized and confiscated under that act etc.*, whereupon memorials complaining of these proceedings have been presented on behalf of the French Court. *Continue* :—The French Ministers found themselves under a necessity of asserting in these memorials not only that the said Letters Patents did not injoin the seizure of foreign ships, which (compelled by force) come to the French islands, but likewise that no foreign ships, that are forced by contrary winds, or driven by currents to approach the French islands, are ordered by those Letters patents to be seized, without a design not only of trafficking there, but even to anchor there, and that no instance can be given of any English vessels, being confiscated at Martinique,



1736. [474]

or any other of the French islands, without clear and convincing proofs of a fraudulent commerce, rightly foreseeing, as Memorialists apprehend, that they could not without any appearance of justice, demand restitution of the *Fortune* or the *Fleuron*, if either the French King had made any law to this effect, or his Governors in fact had confiscated any English vessells, for coming within a league of his shore, and no other cause. Memorialists apprehend by the 3rd Article in those Letters patent, all strangers are forbid to touch with their vessells at any ports in the French islands, or to sail within a league of those islands, upon pain of confiscation, in as plain, positive, and express terms, as can be conceived, and altho' by the 11th Article permission is given to vessells in distress, to enter the ports there mentioned, in cases of necessity, yet any strange vessell found within a league of their shore is lyable to confiscation, by the third article (notwithstanding anything in the 11th Article where that necessity does not appear) altho' no proof is given of a fraudulent commerce, the bare coming within that distance of the shore, being the single thing denounced an offence *etc.*, and 'tis to this alone, that the penalty of confiscation, with a heavy fine, is annexed, without making illicit trade any ingredient in it. And your Memorialists further beg leave to observe, that the imposing fines upon H.M. subjects, after the French have stripp'd them of their vessells, and cargoes, is assuming and actually exercising a sovereign authority over them *etc.* Memorialists will be able to make it appear by the evidence of sufferers, that the French King's Governors and Officers have put this sense upon the plain words of the Edict. Memorialists believe the French Ministers will never be able to shew that the vessells mentioned in the paper hereunto annex'd (besides many others that might be named) were guilty of carrying on any illicit trade, although they have been seized and confiscated *etc.*; and therefore, if any ill construction has been put upon those Letters Patent, 'tis not His Britannic Majesty's Governours, as the French Ministers alledge, but the Governors of his most Christian Majesty, that have ill construed them, and by such construction brought ruin upon many of the British subjects. The French cannot with any colour of justice demand restitution of the *Fleuron* or other seizures mentioned in their memorials, till they have first made satisfaction for all the vessells taken by them without any proof of illicit trade under pretence of the said Letters patent *etc.*; and therefore, as it is of the utmost consequence to the trade of H.M. subjects and the security of their persons, and properties that these Letters Patent should be revoked, and the genuine sence of the Treaty of 1686 adhered to, and restored *etc.*, Memorialists do humbly hope that the Board will not advise H.M. immediately to repeal the Act of Montserrat, nor, until His most Christian Majesty has revoked the said Letters Patent, and full satisfaction is made, *etc.*, and full provision is made for settling all matters relating to the trade in the West Indies, in such manner for the future, as that the subjects of His Britannic Majesty there, may stand upon an

1736.

[474]

equal and reciprocal foot, with the subjects of the most Christian King. 66 *signatures*. *Endorsed*, Recd. Read 1st Dec. 1736. 5½ *large pp.* *Enclosed*,

474. i. List of vessels taken by the French from the English referred to in the foregoing Memorial. One sloop belonging to St. Christopher taken, and two burned at Sta. Cruz, Sept. 1729; the sloop *Amity* of Anguilla, taken in July, 1732, on the high seas near Martinique; sloop *Margarett* taken, in June 1734, at Round Key, 5 leagues from any French island; sloop *Humility* taken 5 leagues from Martinique in Dec., 1732; the *Dolphin* taken at Louisbourgh, Cape Breton, Aug. 1729. *Endorsed as preceding*. 1 *p.* [C.O. 152, 22. ff. 245–248 v.].

Dec. 1.  
Whitehall.

**475.** Council of Trade and Plantations to the Queen, Guardian of the Kingdom *etc.* Recommend confirmation of Act of Virginia to vest lands in C. Tomkies *etc.* [C.O. 5, 1366. *pp.* 140, 141].

Dec. 3.  
New York.

**476.** Lt. Governor Clarke to the Duke of Newcastle. *Encloses* following, to which he refers his Grace. *Concludes*: I have the satisfaction to see that every day adds to the quiet and content of the Province, and I make no doubt of fixing both upon a lasting foundation if H.M. will be graciously pleased to continue me in the administration of the Government, for which I presume humbly to recommend myself to your Grace's protection *etc.* *Signed*, Geo. Clarke. *Endorsed*, R. Jan. 19th. *Holograph*. 1 *p.* *Enclosed*,

476. i. Duplicate of Clarke to Council of Trade, Nov. 27. [C.O. 5, 1093. ff. 456, 457 v., 458–460 v.].

Dec. 3.  
Whitehall.

**477.** Council of Trade and Plantations to the Committee of the Privy Council. We have had under our consideration a petition from the Trustees *for establishing the Colony of Georgia in America*, referr'd to us 8th Dec. 1735 *etc.* We have discoursed with the said Trustees *etc.* We take leave to acquaint your Lordships that we know of no settlements made on any part of the land between the River Alatomaha, and the northern bounds of the Spanish Florida. Nor have we receivd any other intimation that endeavours are using to obtain grants of land there. That should the Governor make any grants of land within that district to any persons, previous to their having purchased the same from the Indians who now make use of the said district for their hunting land; those Indians might look upon any grant of land made thereon, as an incroachment on them and as it might occasion at least a jealousy between the English and them, we can not think it adviseable for the Governor of South Carolina to make any grants within that district to any persons whatsoever without particular leave first had from H.M. for that purpose *etc.* *Propose* following Instruction. *Annexed*,



1736.

477. i. H.M. Additional Instruction to Lt. Governor Broughton. Whereas it has been represented to Us that endeavours are using to obtain from you, Our Lieutenant Governor and Commander in Chief of South Carolina, grants of land to the South of the River Alatamaha ; and whereas We have reason to think that any grants to be made between that river and the northern bounds of the Spanish Florida might be look'd upon by those Indians Our allies, who make use of that district for the hunting land, as an encroachment upon them and thereby interrupt the good harmony now subsisting between the English and them ; It is Our will and pleasure, that you do not upon any pretence give any grant or warrant of survey for land within the district before described, to any person whatsoever without Our leave first obtained for that purpose. [C.O. 5, 401. pp. 189-193].

Dec. 4. 478. Mr. Fane to the Council of Trade and Plantations. Gives opinion of Acts of St. Christophers referred to his consideration :—I think it would have been very proper in the Legislature to have mentioned the Act intended to be amended in the body of the last Act. It is very inaccurate not to do it. But tho' it has not been done, I can't think that the whole Act, since it is actually amended in some parts, will remain in full force. It must be considered in my humble opinion in Courts of Justice (the amending Act being subsequent to the other) as explanatory to such parts of the Act only, as it relates too, and the remaining unamended part will be taken to be in full force. *Signed*, Fran. Fane. *Endorsed*, Recd. 6th, Read 8th Dec. 1736. 1½ pp. [C.O. 152, 22. ff. 251-251 v., 252 v.].

Dec. 4. 479. Mr. Fane to the Council of Trade and Plantations. Report upon Act of Barbados *concerning the surveying of lands*. States Mr. Edlington's objections. The preamble of the act shows that his insisting upon being the sole surveyor of lands in the island was the motive of passing the law, and not from any complaint of neglect or corruption in the execution of his office. *Concludes* :—This being the case I think the act seems only calculated to deprive H.M. Officer of his just and legal profits without the least pretence or foundation for it, there being no charge as I observe against him, unless it is a crime to be sole Surveyor under His Majesty. I think the business of his office, if he has not misinformed me, is of great use in that island, where disputes about boundaries as there are no fences must often arise. I think he has been very properly appointed by the Governor, and I presume there is no occasion for more Surveyors, as the only complaint against him, as appears by the act, is engrossing the whole business to himself. I am therefore humbly of opinion that the act is unnecessary, as well as an encroachment upon the Prerogative of the Crown, and ought to be repealed. *Signed*, Fran. Fane. *Endorsed*, Recd. 6th, Read 7th Dec., 1736. 1½ pp. *Enclosed*,

1736.

- 479. i. Commission by Governor Lord Howe appointing Mr. Edlington Surveyor General of the lands. 31st July, 1733. *Copy. 2 pp.*
- 479. ii. Commission by Col. Kendall, Governor of Barbados, appointing Joseph Woodroffe Surveyor General of the lands, 19th March, 1690. *Copy. 2 pp.*
- 479. iii. Certificate that John Edlington took the oathe appointed and was sworn to the due execution of his office *etc.* 31st July, 1733. *Signed, James Mytton., D. Secty. ½ p. [C.O. 28, 24. ff. 182-184 v., 186 v., 187 v.].*

Dec. 5.

**480.** Lt. Governor Gooch to the Council of Trade and Plantations. By the conveyance of the ship *Micajah & Phillip*, I send your Lordships the journals and Acts of the last Session of Assembly, and according to the method directed, shall give an account of the reasons which induced the Assembly to prepare them, and myself to pass them. No. 1 is an Act for laying a duty upon liquors imported by land, and for better securing the duty upon slaves, and for other purposes therein mentioned. The occasion of passing this Act appears in the Preamble of it to be thus : that since the laying a duty on liquors, which extended only to such as were imported by sea, great numbers, as well of H.M. natural born subjects as foreigners, coming into Pensilvania, and finding themselves disapointed of lands there, have removed into this Colony on the west side of our mountains, and near the confines of that Province, and by their industry have cleared roads for many miles through the woods for all manner of carriages, by which means the people of Pensilvania and Maryland, have an equal conveniency with the inhabitants of Virginia of transporting liquors by land to supply that part of our frontiers, but with this advantage to our neighbours, that theirs paid no duty, and ours was liable on its first importation. And there being nothing more just than that all who receive a benefit, should bear an equal share of the burden, which the necessary support of the Government requires, I, for this reason at our first meeting, recomended this expedient to the Assembly, and they readily came into the measures now enacted, which I hope your Lordships will allow to be equitable. The other part of this act is founded upon the experience of the ill use that has been made of the indulgence the purchasers of slaves had of paying the duty to any collectors they pleased, whereby great part of that easie duty hath been concealed. But by this Act the duty on all slaves is to be paid only to the Collector of the District where they are imported, who having the account of sales, will know best of whom to demand the duty. Some few other directions, contained herein, are meant only to enforce an honest payment of the duty, to which I presume, no objection can be made. The last observation on this Act is, that it exempts from the payment of the duty, what Madeira wine shall be imported by the Governour for his own use ; a compliment never made to any former Governour, and I value the more their



1736.

[480]

kindness, because, my Lords, it was done without any desire, and is what I did not expect. No. 2. An Act declaring who shall have a right to vote in the election of Burgesses, and for preventing fraudulent conveyances in order to multiply votes at such elections. This Act settles the quantity of freehold necessary to give a title to vote for a member of the House of Burgesses, and is indeed too inconsiderable a qualification: Yet as the former laws had allowed any kind of freehold to give that right, and all attempts made heretofore to exclude the mobb of the populace, and to establish the qualification of the electors had proved vain, it is much better to have that point fixed on some certain basis, than to leave all persons indefinitely at liberty to have a vote, especially since this Act makes void all collusive conveyances to create voters, and inflicts a penalty both on the giver and receiver of them. After such a beginning it may be hoped a further regulation will follow, to remove from the House such members as have little to recommend them to the people's choice, besides the art of stirring up discontents against former laws that restrain the male practices of men, who in most countrys are not the least numerous. No. 3. An Act for further amending the Act for amending the staple of tobacco, and for preventing frauds in H.M. Customs. The chief intent in this Act is to remove some inconveniences found in the former laws on this subject; particularly to take off the restraint on buying tobacco before it is inspected, which was complained of by the Merchants as detrimental to their trade; the allowing some warehouses suppressed the last Assembly, and establishing new ones for the ease of the people. Increasing the rents of others found to be sett too low, and in fine, the preventing some abuses committed by the inspectors, which were not before provided for. All which 'tis hoped will have a good effect on the trade and prove satisfactory to the people. And there is a clause added to prevent the Inspectors meddling in any manner with the election of Burgesses on penalty of paying tenn pounds, and necessary prohibition and no hardship on them to comply with. No. 4. An Act for obliging apprentices to serve the time they shall be bound for, notwithstanding their infancy. The title of this act sufficiently express the reasonableness of it: and the unhappy consequences of a contrary practice, which has too long prevailed here, to the apprentices themselves (who as soon as they come of age withdraw from their service before they had learnt their trades, to the loss of their masters, and to the injury of the country by being served by unskilful artists) will sufficiently justifie the necessity of it. No. 5. An Act altering the laws now in force for the sale of goods taken in execution or distrained for rent, and for better preventing the fraudulent practices of tenants. It was no longer ago than the last Sessions that the Act was passed which was designed for the ease of debtors, but the provision made therein being found exposed to sundry abuses to the damage of creditors, it has been thought fitt to alter the same, or to allow the debtor only month's respite on giving security, instead of twelve he had before had. And

1736. [480]

instead of obliging the creditor to bring a new suit, he has a summary remedy to take out an execution immediately on the expiration of the time of payment, and for preventing the clandestine removal of tenants within their term, provision is made in this Act, that where a landlord suspects his tenant will remove his effects, before his rent becomes due, he may have an attachment against the tenants' goods, and compel him to give security for the payment. No. 6. An Act for preventing persons contracting small debts to remove their effects out of the county where they reside, and for allowing a lawyer's fee in some cases upon petitions. By a Law made some years since, no man can be arrested except the cause of action exceeds the value of five pounds, the remedy the creditor had was by petition and summons; this favour to debtors having given opportunity to some men of base principles as soon as they were summoned to run out of the country, and leave their creditors in the lurch; this Act now gives an attachment against the debtor, by which his goods may be followed and seized in any county, and judgment and execution obtained in the most speedy manner. And whereas upon petition for small debts no lawyer's fee was formerly allowed, which was hard upon creditors who could not attend the prosecution of such petitions in person, there is now allowed to an attorney 7s. 6d. No. 7. An Act for the greater ease and encouragement of Sherifs. This Act is occasioned by the difficulty of getting gentlemen to undertake the office, which in many countys is a place of small profit: but the great discouragement was the hazard they run of being subjected to considerable losses by the escape of debtors out of the prisons, which being generally remote from the Plantations and dwellings of men, who might otherwise have an eye over them, may easily make a passage from within, or by assistance from without: to relieve the Sherifs in some measure from this hardship, it is provided by this law, that no recovery shall be had against the Sheriff for an escape, unless the jury who try the cause shall expressly find the escape was with the consent, or through the wilful negligence of the Sheriff, or that he neglected to make fresh pursuit. The method of turning over the prisoners from the old to the new sheriff, is also made more easy, and a method provided for retaking prisoners that may escape, and for obtaining writts of habeas corpus to remove prisoners in civil actions to the general court. Power is also given to the Sherifs to impress a guard for securing capital offenders and lastly, as the Sheriff's power is enlarged in respect of receiving all publick dues, so an encrease of his allowance for collecting them, renders the execution of the office less troublesome and more profitable, and remove those apprehensions which hitherto occasioned a backwardness to accept of it. No. 8. An Act for better regulating and collecting certain officers' fees and other purposes therein mentioned. This Act needs little to be said of it, being almost the same with former laws enacted on that subject, with a very inconsiderable addition of some new fees for services lately created, and only to continue for two years, and thence to the end of the next



1736.

[480]

Session of Assembly. No. 9. An Act to prevent the cutting up tobacco suckers. This is in effect little less than the repeal of a Clause in an Act made in 1730 whereby it was directed that the constables in every Precinct, should take care that all tobacco stalks, from which any plant had been cutt, should be destroyed to prevent the curing of the suckers which usually sprout from them : But this being found to impoverish the ground, is therefore discontinued ; tho the same care is taken as formerly to oblige the constable to visit all tobacco grounds, and to prevent every planter, from the richest to the poorest, tending any of those suckers, in order to pack up with other tobacco, and is a restraint as effectual as the other. No. 10. An Act for regulating the fees and accompts of the practitioners in Physick. All I shall say on this is, that the Burgesses were very fond of it, alledging that many of those persons in this profession had exacted greater fees and prices than either their skill or their medecines deserved : But as a regular Phisician has it in his power to make his own terms with his patients, and is under no penalty, if he takes more than the rates prescribed, I do not apprehend it can be any injury to a man of character. And as the ignorant do more hurt than good, I think the allowance is too much. However as the Council took care to amend it by limiting its continuance to two years and thence to the end of the next Session of Assembly, I hope your Lordships will be of opinion to suffer it to abide its appointed time, that the usefulness or inconveniency of it may be discovered. No. 11. An Act for the better regulation of the office of Surveyors of lands, and directing them in their duty. That there were some irregular practices among these officers which gave birth to this act is not to be denied ; and that one was attempted the last Session and passed the House of Burgesses, but was rejected by the Council as laying very unreasonable hardships upon the Surveyors must also be owned ; However, the Burgesses this Session parting with the exceptionable clauses it was agreed to ; and as it is now passed, I do not apprehend it liable to any just objection. As to the particulars of it, I presume it needless to trouble your Lordships with any special animadversions on them. No. 12. An Act for raising a publick levy, and for other purposes therein mentioned. This, my Lords, is an usual Bill brought in every Session for discharging all the publick services payable in tobacco : And by this it appears that the whole charge of two years amount to no more than seven pounds and an half of tobacco p. pole ; a very moderate tax, considering the encrease of malefactors who have received their tryals in that time, and chiefly of those who have been transported hither for former crimes. In this Bill there is nothing extraordinary or different from others of the like nature, except a direction to the Countys of Spotsylvania, Hanover and Orange to raise 16,000 pounds of tobacco for the widow of a late Surveyor for running the dividing line of those Countys, a debt which ought to have been discharged long ago. No. 13. An Act for confirming and better securing the titles to lands in the Northern Neck, held under the Right Honourable

1736.

[480]

Thomas, Lord Fairfax, Baron of Cameron, in that part of Great Britain called Scotland. As the estates and titles of a great many of the people of this Colony depend on grants of lands made by the Agents or Attorneys of the Proprietors of the Northern Neck, there is nothing more agreeable to natural justice, than that those lands which they have honestly purchased and paid for, should be enjoyed by them, according to the intent of their grants, whatever legal defect there may be in the powers of the Proprietors' Agents, who in their names passed those grants, or misrecital of the names of their constituents, occasioned by the distance between G. Britain and this place. To obviate all doubts therefore touching the validity of those grants, and to quiet the possessions of those purchasers under the Proprietors, is the scope and design of this Bill; and being passed with Lord Fairfax's consent, who was with me when it made its progress, I doubt not your Lordships will have the goodness to make such a favourable report upon it, that it may have H.M. Royal Approbation for the future content of His subjects. No. 14. An Act for lessening the allowances to witnesses in the County Courts, and altering the method of providing for the passage of the Eastern Shore Burgesses to and from the General Assembly. This Act reduces the charge of witnesses in the County Courts, which was in truth very extravagant, to a moderate rate: and also lessens the expence of transporting the Eastern Shore Burgesses cross the Bay, sixty pounds of tobacco formerly settled for the daily attendance of a sloop and man during the Session, is now fixed to five hundred weight, or fifty shillings, and no more. And in both these cases the allowance settled is sufficient for the services. No. 15. An Act for paying the wages of the Burgesses in money, for this present Session of Assembly. The Burgesses being desirous of easing the people in their poll-tax, which must have been greatly encreased by the charge of a long Session, have prepared this Bill whereby they accept of tenn shillings instead of one hundred and thirty pounds of tobacco p. diem, worth near twice the money: And as the dutys out of which they are paid are first paid by the country, and are appropriated for easing the levy by the poll, it passed very unanimously in both Houses. I hope there will be no objection to it with your Lordships. No. 16. An Act for the relief of divers of the inhabitants of the parishes of Raleigh and Dale. These two parishes being erected last session of Assembly, and taken out of other adjacent parishes, the Vestry of one of these last mentioned, took the opportunity of laying a tax, before the separation had taken place, on all the inhabitants, as it then stood, for building a new church; which tho' it could be of no benefit to either of the new parishes, they compelled those to pay who were going from them; and justice to those people so taxed, is the sole purport of this Act, there being no other way to force a reimbursement to the injured. No. 17. An Act for relief of certain persons who were sufferers in the loss of the Records of the County of Nansemond. This is only a continuation of the time given by an Act of the last Session of Assembly, for proving



1736.

[480]

people's deeds and titles recorded in that County and consumed by fire, and hath nothing else remarkable in it. No. 18. An Act for *building a bridge over Nottoway River*. This contains only a necessary provision to oblige the Justices of the two neighbouring Countys to levy a tax for building a Bridge equally useful to both Countys, but unreasonably obstructed by one. No. 19. An Act for *appointing certain new publick Ferries, settling the rates of several old ones and altering several Court days*. The encrease of people necessarily requiring an encrease of conveniences has occasioned the erecting of the ferries herein mentioned : and the settling the rates of ferriage for tobacco over those rivers which are above the navigable part of the country, is likewise necessary for the dispatch of business ; and altering Court Days found to be inconvenient, is all that is in the Act. No. 20. An Act for *making reperation for tobacco lately burnt in Gray's Creekware house*. This Act is calculated for repairing the losses of a considerable number of persons whose tobacco was lost by the accidental burning of that warehouse without which some had been great sufferers, and others entirely ruined. No. 21. An Act to *dock the entail of certain lands whereof Lewis Burwell, Esq., is seised, and for settling other lands and slaves of greater value to the same use*. This being a private Act which I am sensible your Lordships will have fully under your consideration, in order to its being presented for H.M. approbation ; I shall add that I know no exception to it, the lands to be settled with the negros, being of much more value than the lands whereof the entail is to be docked, and that I have sent the proper certificates. No. 22. An Act to *impower the Vestry of St. John's Parish, in the County of King William, and the Parish of Warwick in the County of Warwick to sell several parcels of glebe land therein mentioned, and to purchase more convenient glebes in lieu thereof*. This Act needs no comment, the title fully setting forth the meaning of it to be for the benefit of the Church, and the advantage of the Ministers. No. 23. An Act for *selling certain lands, with water-mill, and slaves, of the estate of Joseph Allen, Gentm. deceased, for the payment of his debts*. The occasion of applying to the Assembly for this Bill being an honest intent in the first place to satisfie the debts of the defunct, and in the next to preserve to a widow and orphan the benefit of the labour of the slaves which otherwise would be swept away by the creditors, I cannot but recommend it to your Lordships as worthy H.M. approbation, since this, as well as the other Act, have the saving clause directed by the Instruction. No. 24. An Act to *confirm the Charter of the Borough of Norfolk and for enlarging the jurisdiction of the Court of Hustings in the City of Williamsburgh*. The town of Norfolk situated at the confluence of two branches of Elizabeth River being of late greatly encreased in trade and inhabitants, I did on their petition grant them a Charter of Incorporation, and this Act is only to confirm that Charter ; wherein there are no unusual clauses, nor new and extraordinary priviledges : Here is also in this Act a clause which gives the Court of Hustings in the City of Williamsburgh the same jurisdiction

1736.

[480]

the County Courts enjoy by virtue of the Acts of Assembly, whereas before, the Court was limited to hold plea of actions under twenty pounds: And as I am in hopes the encouraging these two towns will prove useful and be of service to the country, so I flatter myself your Lordships will be pleased to approve of my assent thereto. No. 25. An Act to prevent the retailing of strong liquors in the town of York, in small quantities. This Act is intended to remedy a growing mischief occasioned by many idle and evil disposed people, who by selling rum in private places debauch sailors and servants to loyter away their time, and often fall into theft and other bad courses to support their extravagancies. And since no restraint is hereby laid on any merchant, or licensed Inn or ordinary Keeper, I need not offer to your Lordships any further arguments on its behalf. Having finished the Laws, I have only to inform your Lordships, that I have sent in the box, the accot. of the Revenue of two shilings pr. hogshead with the Naval Officer's lists, etc. Signed, William Gooch. Endorsed, Recd. 23rd May, Read 3rd June, 1737. 8 $\frac{3}{4}$  pp. Enclosed,

480. i. Account of H.M. revenue of 2s. per hhd. in Virginia, 25th April—25th Oct., 1736. Receipts, including £4992 4s. 7d. brought forward, £8251 6s. 10 $\frac{3}{4}$ d. Expenditure, £2792 10s. 4 $\frac{3}{4}$ d. Signed, John Grymes, Recr. Genl.; John Blair Depty. Aud., and William Gooch. Endorsed, Recd. 23rd May, 1737. 2 pp.

480. ii. Three Proclamations by Lt. Gov. Gooch, Williamsburgh. 1st Nov., 10th Dec., 1736, and 22nd April, 1737, proroguing Assembly to 5th Feb., 29th May, and 5th Aug. next. Copy.  $\frac{3}{4}$  p.

480. iii. Proclamation by Lt. Governor Gooch. Williamsburgh. 29th Oct. 1736—for the more effectual putting in execution the laws concerning the Militia, and for preventing the unlawful concourse of negroes and other slaves. The County Lieutenants are to hold private musters for the listing and training of all liable to serve in the Militia, and at the same times and places to hold a Court-Martial for fining all absentees or persons who appeared not armed and accounted as the act directs. To prevent dangers arising from the unlawful concourse of negroes, the County Lieutenants or other Commanding Officers of the Militia are charged, at such times as they shall judge necessary, to appoint, direct and relieve patrols of Militia at convenient places, to prevent such concourse of negroes, especially during the Holy Days, wherein they are exempted from labour etc. All persons serving in the Militia, who shall, during the said Holy Days, repair to their parish Churches or Chappels, are strictly charged to take with them their arms, ammunition and accoutrements etc. Signed, William Gooch. Endorsed, Recd. 23rd May, 1737. 1 p. [C.O. 5, 1324. ff. 40–46, 47, 47 v., 48 v., and (duplicates of enclosures ii and iii), 5, 1344. ff. 33, 34].



1736.

Dec. 7.  
Whitehall.

**481.** The Council of Trade and Plantations to the King. We have had under our consideration a Memorial from Wavel Smith and Savile Cust Esqrs., Secretary and Clerk of the Crown to all your Majesty's Leeward Charribbee Islands in America, complaining among other things of two Acts pass'd at St. Xtophers *etc.*; Upon these Acts we have consulted Mr. Fane, one of your Majestys Counsel at Law, and having been attended by the Petitioners against the Acts, and by the Agent of St. Xtophers in behalf of them, and heard what they respectively had to offer for and against the same, we humbly take leave to represent to your Majesty That by your Majesty's 17th Instruction to the Govr. of the Leeward Islands he is particularly directed to take care, that no perpetual clause be made part of any temporary law, and by your Majesty's 34th Instruction the President of the Council, during the absence of the Commander in Chief, who is thereby impower'd to take upon him the administration of the Government, is nevertheless expressly forbid to pass any act unless it be immediately necessary for the peace and wellfare of the Islands, without your Majesty's particular order for that purpose. Altho' the first part of the Act for granting a duty on negroes and slaves might be immediately necessary for the service of the Island; yet the other part for settling the officers' salaries was not so, and therefore should not have been pass'd by the President of the Council. Besides the latter part of it is perpetual, and inserted in a law which was enacted for a temporary service only and has no suspending clause inserted therein. We are therefore of opinion that this Act is a breach of your Majesty's 17th and 34th Instructions to your Governor, and for that reason, do humbly lay the same before your Majesty for your disallowance, from whence we cannot foresee that any inconvenience can arise to the Island, because the first part of this Act, for raising the mony must have had its effect. With regard to the other act for reducing the fee of three shill. p. sheet taken by the Secretary as Clerk in Chancery, we beg leave to observe to your Majesty, that as this Act is to make some alteration in the Act pass'd at St. Xtophers in 1715, by lessening the fee thereby given to the Secretary as Clerk in Chancery, the Govr. has followed the direction of his Instructions by inserting therein the clause for suspending its taking effect, till your Majesty's pleasure can be known upon it; and as this Act appears to have been pass'd to redress the grievances of the suitors in the Court of Chancery complain'd of by them, to the Legislature of the Island the fee granted by the former Act being much larger than what is paid in England, for the same service; we see no reason, why your Majesty may not be graciously pleased to confirm the same. [*C.O.* 153, 16. *ff.* *pp.* 62-65].

Dec. 8.

**482.** Petition of Mr. Jackson to the Council of Trade and Plantations. As the Board mentioned authorising some persons to take depositions in support of his complaint (Oct. 7th), and as petitioner knows no inhabitant of the Bahamas will hazard

1736.

[482]

his life or fortune by doing so during the administration of Governor Fitzwilliam and that some of the eye witnesses have removed from the said islands ; and as he apprehends his Deputy's accounts of Customs are detained by the Governor, in order to prevent petitioner's receipt of his salary and to conceal certain oppressive seizures made there by command of the said Governor, he prays the Board to the Commander in Chief and Council Carolina so as to incline some one of them to take depositions tendered by his witnesses *etc.* *Prays* permission to lay before the Board, before his departure from England, copies of all the entries made in the port of London of goods laden on board the *Faulkinbridge*, 1733, as full proof of how unjustly he was prosecuted by the Governor for refusing to admit entries or give cockets outwards for woollen goods clandestinely imported by the Governor, but pretended to have been shipped in London, though never entered or reported, but concealed by the commander, Clough, from petitioner. After petitioner's flight, the Governor did compel Clough to make affidavit that he had entered said goods and had a cocket for the same in the port of London, though by the book of Customs in the said port it does manifestly appear that no entry was ever made, or cocket given for such woollen goods *etc.* If these his prayers are granted, petitioner will take his passage for Carolina, with the prospect of returning to make good every article by him charged against the Governor. *Prays that*, in order to here the notorious falsehoods in Smith's affidavit (1st Nov.) *etc.*, Mr. Thomas Seyton now in London may be ordered to attend the Board, to declare his knowledge concerning said affidavit, the illegal condemnation of twelve soldiers and a French sailor, and other arbitrary proceedings of the said Governor relating to petitioner. *Signed*, Chaloner Jackson. *Endorsed*, Recd. Read 8th Dec., 1736. 2½ pp. [C.O. 23, 3. ff. 216-217 v.].

Dec. 8.  
Whitehall.

**483.** Order of Committee of Privy Council. Referring to following to Council of Trade and Plantation for their opinion thereon. *Signed*, Temple Stanyan. *Endorsed*, Recd., Read 14th Dec., 1736. 1 p. *Enclosed*,

483. i. Petition and Representation of the Council and Assembly of S. Carolina to the King. July 17, 1736. We your Majesty's most dutiful and loyal subjects the Council and Assembly of your Majestys Province of South Carolina now met in General Assembly at Charles Town in all humility beg leave to approach your Sacred Person and to return our humblest thanks for the many instances of your Majesty's paternal care and goodness extended to us your Majesty's faithfull subjects and to repeat the assurance of our sincere and inviolable attachment to your Most Sacred Majesty's person and Government and that of your Majesty's illustrious House and at the same time humbly to implore the continuance of your Majesty's Royal favour and protection. Your Majesty's subjects the inhabitants



1736. [483 i.]

of this Province with hearts full of gratitude being highly sensible of the many instances of your Princely care and concern for the safety and happiness of all your people think themselves under the greatest obligations to acknowledge the just sense they have of your Majesty's goodness in establishing the Colony of Georgia by your Royal Charter for the relief of many of your Majesty's poor and indigent subjects for the security and defence of the frontiers of your Majestys Dominions in North America and for the increasing and extending of the British commerce. In furtherance of which your Majesty's most gracious intentions the people of this Province excited by your Majesty's great example exerted their utmost ability in assisting of that new settlement with supplys of men and money and in performing all other offices of friendship and humanity in consideration whereof your Petrs. had the greatest reason to expect that the inhabitants of Georgia would on all occasions have testified their good disposition to have lived in friendship and to have preserved a good understanding with your Majesty's subjects in South Carolina. But it is with the greatest grief and concern that your Petrs. find themselves constrained from the repeated injurys received from the Magistrates and people of Georgia to make their conduct known to your Majesty, a conduct which if pursued in all appearance will endanger not only the peace and tranquillity of your Majesty's subjects in this Province but also of other parts of North America. It is upwards of seventy years since our ancestors faithfull subjects of your Majesty's Royal Predecessors moved with a pious and laudable zeal for the propagating the Christian Faith and knowledge and enlarging the British Empire and Dominions (at their no small expence and hazard and without any burthen or charge to the Crown or Kingdom) undertook the planting a Colony of British Subjects in this Province in which through the blessing of Almighty God and the favour and indulgence of your Majesty and your Royal Predecessors and their industry, care and acconomy they formed an establishment from whence they have grown and become a people of no inconsiderable trade, commerce and as they humbly hope of some advantage to Great Britain not only in the consumption of their woollen and other manufactures but also in the extension of the British trade and Empire several hundred miles among the native Indians. We humbly pray leave to add that the security and welfare of this Province (next under God and the wisdom and goodness of your Majesty) hath been owing to nothing more than the regulations which from time to time have been established by the Legislative authority of this Province derived under

1736. [483 i.]

the Crown of Great Britain with regard to the trade and commerce carried on from hence with the several nations of Indians almost surrounding us, and that it is by these means alone that we have been able to preserve a general peace and friendship with them for upwards of these twenty years last past. That before the regulations took place your Majesty's subjects of this Province were under great difficultys to preserve at best but a precarious Peace and Friendship with the Indians and this alone has had the principal attention of the Legislature of this Province as they have ever found that to cultivate a harmony and good understanding with the Indians was a matter of the last consequence to the Province. To this end have all our Councils been directed and having at length by the experience of many years found it necessary we established these regulations which at present subsist for carrying on an open and free trade and commerce with those Indians as best conducive to preserve peace and friendship with them. We humbly beg leave further to represent to your Majesty that we had good reason to hope and expect that agreeable to your Majesty's Royal Intentions the settlement of the Colony of Georgia would have tended as well to the further security of your Majesty's subjects of this Province against the Indians as to the private advantage and emolument of that Colony by their acting in concert with your Majesty's subjects of this Province in all affairs with the Indians and this we judged the more reasonable, as we humbly conceived that from a love and carefull observation of events we might be supposed to be better acquainted with the native customs, dispositions and views of the Indians than your Majesty's subjects of that Colony from their short standing could possibly be; at least we expected they would never act in such a manner as to exclude your Majesty's subjects of this Province from any commerce with the Indians nor offer to impose upon us such terms as would be too grievous a burthen to be borne and which would in effect amount to an exclusion not only from the trade but in consequence of it from all manner of correspondence with the Indians and of all means of treating or negotiating with them for the common safety. But instead of finding these reasonable expectations answered, a very different conduct is observed by the gentlemen who have the administration of affairs at Georgia which will effectually exclude your Majesty's subjects of this Province from any sort of commerce with the Indians tho' without such a commerce 'tis impossible to secure our interest amongst them or to provide for the safety of the Province. For we beg leave to acquaint your Majesty that the



1736. [483 i.]

Magistrates or those who are in the exercise of power at Georgia assume an authority of obliging all persons whatever tho' residing in other Colonys to go thither to take out lycences to trade with the Indians and of threatening to imprison such of your Majesty's subjects of this Province and to seize and confiscate such of their goods as shall be found in the Indian Nations without lycence first obtained from Georgia notwithstanding such persons are or may be lycenced from this Province and have given bond here for the observation of all the necessary regulations which the laws of this Province require, which laws were previously made and are the same in substance with those the traders from Georgia are obliged to observe, contrary as we humbly conceive to your Majesty's gracious intentions and the rights and libertys of their fellow subjects. And the better to accomplish their designs they have sent an armed force into the Indian country to be employed against your Majesty's subjects of this Province, a proceeding which unless speedily prevented by your Majesty's. most gracious interposition may be of the most fatal consequence and may give such umbrage to the Indians by nature jealous that this Province as well as Georgia may soon be involved in blood and confusion. Permit us, most gracious Sovereign, further to lay before your Majesty. that in this your Province are near fifteen thousand souls of the white inhabitants subjects to your Majesty whose safety in a great measure depends on the well conducting and management of affairs with the Indians. But under colour of the Act past by the Trustees of Georgia for preserving peace and friendship with the Indians and which your Majesty has been pleased to confirm an authority has been assumed under the sanction of your Royal name and matters have been so ordered by the Magistrates and those who are in the exercise of power in Georgia that the lives and fortunes of many of your Majesty's good subjects will be endangered, than which we are assured nothing could be more distant from your Majesty's gracious intentions when you was pleased to confirm that Act, and we beg leave in all humility to say that we cannot conceive that the Act so confirmed by your Majesty can give any countenance to the people of Georgia to take upon themselves the sole management of Indian affairs for several of your Majesty's Colonys in North America. A task for which a people so lately settled in America and so little acquainted with the customs and manners of the Indians cannot reasonably be supposed to be equal and who have very lately given by the ill management and conduct of their agents and officers too flagrant proofs of their insufficiency in matters of so

1736. [483 i.]

great importance to the peace and security of your Majesty's subjects. We doubt not that your Majesty in your great wisdom will consider that a rash or imprudent step taken in any one of your Majesty's Colonys with respect to the Indians may embarrass all the rest. The Indians possess the inland parts throughout the whole continent of North America and 'tis a known and avowed principle amongst them that an injury done by one man of any nation is to be avenged on the whole. From these considerations and from your Majesty's known justice and repeated assurances of preserving all your Majesty's subjects in the uninterrupted enjoyment of all their rights and privileges we are encouraged to think that the above mentioned law was only intended by your Majesty to regulate the persons who should trade with the Indians from your Majesty's Colony of Georgia, and was not designed to prohibit your Majesty's subjects of this Province from trading with the Creek, Cherokee and other nations of Indians in friendship with them without their being obliged to take licences from Georgia when they were before under the same regulations by the authority of the laws of this Province. And this we are further induced to believe as your most sacred Majesty was graciously pleased by the right honourable the Lords Commissrs. for Trade and Plantations to enter into a Treaty of Friendship and Commerce with the heads of the Cherokee Indians at London on the 7th day of December in the fourth years of your Majesty's most auspicious reign, and thereby to declare "That your Majesty had ordered your people and children the English in Carolina to trade with the Indians and to furnish them with all manner of goods they should want and to make hast to build houses from Charles Town towards the towns of the Cherokees behind the Great Mountains and that that Treaty of Peace and Friendship between the English and Cherokees should continue as long as the mountains or rivers should last or the sun should shine." And also from a Treaty of Friendship and commerce of the same import made and entered into by His Excellency Robert Johnson Esq., late Governor of this your Majesty's Province, soon after his arrival in this Province in the name of your most Sacred Majesty with the kings and head men of the Upper and Lower Nation of Creek Indians which treatys are as we humbly apprehend hitherto subsisting and in their full force and are so understood to be by those Indians. As the preserving the peace and friendship with the Indians towards all your Majesty's subjects and thereby an exclusion of all foreign Powers from any interest among them is, as it ever has been, ours, so it ought to be the principal



1736. [483 i.]

aim and intention of all your Majesty's Provinces from which any trade is carried on among them. And as it was not necessary to the obtaining these good ends so it seems not to have been your Majesty's Royal intentions that your subjects of one Colony should be laid under the very great hardship of travelling two, three or four hundred miles (for so much and more are some of your Majesty's subjects who trade among the Indians distant from the town of Savannah in Georgia) to take out a licence and enter into obligations to observe the rules and regulations prescribed in another Province, when the same may be as effectually done and with much more ease to your Majesty's subjects in the respective Provinces from which the trade is negociated and for which with regard to this Province effectual care for many years past hath been taken and is by the Laws now in being enacted and passed by virtue of your Majesty's Royal authority. Your Majesty will be graciously pleased further to give us leave on the reiterated complaints of your Majesty's subjects of this Province to the Legislative Powers thereof humbly to lay before your Majesty the violent and as we humbly conceive unjustifiable proceedings of the Magistrates of Savannah in Georgia in infringing the natural rights and libertys of your Majesty's subjects of this Province by stoping their free and open navigation of the river Savannah and preventing their carrying their goods and merchandize up the same in to other parts of this Province, your Majesty hath indeed been graciously pleased by your Royal Charter for establishing the Colony of Georgia in America, "to give and grant to that Corporation and their successors (under the reservations, limitations and declarations therein after expressed) seven undivided parts the whole into eight equal parts to be divided of all those lands, countrys and territorys scituate lying and being in that part of South Carolina in America which lye from the most northern stream of a river there commonly called the Savannah all along the sea coast to the Southward unto the most Southern stream of a certain other great water or river called the Alatamaha and westward from the heads of the said rivers respectively in direct lines to the South Seas, and all that space circuit and precinct of land lying within the said boundarys with the islands in the sea lying opposite to the Eastern coast of the said lands within twenty leagues of the same which are not already inhabited or settled by any authority derived from the Crown of Great Britain. Together with all the soyles, grounds, havens, ports, gulphs and bays &c., rivers, waters, fishings *etc.* Jurisdictions, royaltys, franchises, privileges and preheminences

1736. [483 i.]

within the said territorys and the precincts thereof and thereunto in any sort belonging or appertaining": By which we humbly apprehend your Majesty's royal intention was that the river Savannah should be the natural boundary between the two Provinces without ever intending to debar your Majesty's subjects of this your ancient Colony from the free and open navigation thereof into all ports and places within this Province lying on the North side of the said river since your Majesty by your Royal Charter hath only been pleased to grant to the said Corporation the lands, territorys, rivers, ports *etc.* lying from the most northern stream of the river Savannah along the sea coast to the most southern stream of the river Alatamaha, which we humbly conceive does not amount to a grant of the sole navigation of the river Savannah to the said Corporation in exclusion of all other your Majesty's subjects or that it was ever intended by your Majesty, and more especially since the navigation of that river is so absolutely necessary to the well being of all the southern parts of this your Province and particularly to your Majesty's two townships of Savannah Old Town, and Purrysburgh laid out on the north side of the said river, in the first of which is a fort and garrison built upwards of twenty years ago near three hundred miles back from the said river's mouth and maintained at the sole expence and charge of the inhabitants of this Province for securing that part of your Majesty's Dominions and protecting the out settlements of this Province, and in which there are now living about one hundred inhabitants, and in the other namely Purysburgh reside upwards of one hundred famyls of poor Swiss and other Protestants in settling and maintaining of whom pursuant to your Majesty's Instructions has been already expended by this Province upwards of thirty thousand pounds of this money. Notwithstanding which the said Magistrates and officers at Savannah in Georgia have assumed under colour and pretence of an Act of the Trustees for establishing the said Colony of Georgia intituled "*An Act to prevent the importation of rum and brandys in the Province of Georgia* and approved by your most excellent Majesty in Council a power of staving and destroying all rum found in boats and pettyaugers passing on the said river to the other parts of this Province, and under pretence of search for such rum stop and detain the said boats and pettyaugers when in truth such boats and pettyaugers to which such violence has been used were not bound for Georgia nor was the said rum intended to be imported into the same, but was bound up the said river with other goods and merchandizes to the said Savannah Old Town and Fort Moore, and had the Lieut. Governor's



1736. [483 i.]

lycence and permit for that purpose for the use of your Majesty's garrison and other inhabitants within this Province, and that it was known and acknowledged by the said Magistrates that the said boats and petty-augers were bound into this Province, yet nevertheless the said Magistrates regardless of their duty to your Majesty the obligations they were under to this Province and the natural rights and privileges of their fellow subjects with force compelled several boats belonging to the inhabitants of this Province passing up the said river to your Majesty's forts and towns within this Province about their lawfull employmts. to stop and bring to at the said town of Savannah in Georgia and there under pretence that such boats and rum were found in the waters of Georgia stave and destroy the said rum and compell the masters of the said boats to enter into security to appear at their next Court altho' the river on which the said boats were seized is the only water passage to the said Savannah garrison and the town of Purrysburgh, and is one of the boundarys of Georgia and consequently not within the precincts or limits of Georgia. To the very great injury, loss and damage of your Majesty's said subjects of this Province and in manifest violation of their rights and privileges in breach of the laws of their country as well of those of nature and nations. And for which, notwithstanding repeated applications have been made by this Government to the magistrates in Georgia, no reparation has been had or obtained, from whence we have been necessitated humbly to represent these proceedings to your Majesty for relief and redress therein. And for preserving and maintaining the Indians in your Majesty's interest, we further humbly beg leave to represent to your Most Sacred Majesty that altho' your Majesty in your royal wisdom has been pleased to confirm a law of the Trustees of Georgia to prohibit the importation and use of rum and brandys in the said Province of Georgia, yet we are not apprehensive it was your Majesty's intention that the moderate use of rum should be inhibited your Majesty's subjects in this your Majesty's Province of South Carolina or among any nations of free Indians with whom we carry on any trade or commerce, since such a general inhibition would tend to the great prejudice of your Majesty's subjects of this Province as a moderate use thereof we have found by many years experience to be of great advantage to the healths of your Majesty's subjects and should your Majesty's subjects of this Province trading with the said Indians be forbid to carry any rum among these Indians, much the greater number of whom are desirous to have spirits brought among them, we humbly take leave to acquaint your Majesty

1736. [483 i.]

that we apprehend it would put the Indians upon seeking it from the French and Spaniard who can very easily supply them with the same, than which nothing would prove more effectual to carry those nations of Indians with whom we now trade into the French or Spanish interest. And this we can with the greater certainty lay before your Majesty as this Province did several years ago by an Act of Assembly then passed prohibit the use of rum among the Indians. But after some years trial it was found expedient to let that law expire which hath never since been revived lest it should give the French and Spaniards an opportunity to supply them with the liquor we had prohibited and so much desired by them. Thus, may it please your Majesty, we have presumed in all humility to represent the State and grievances of this your Majesty's Province with regard to the Colony of Georgia humbly to implore redress therein. Beseeching your most sacred Majesty that you will be graciously pleased to declare the rights and libertys of your faithfull subjects of this your Province to an open and free trade with all the nations of Indians in amity and friendship with your Majesty's subjects according to the regulations for the same by the laws of this Province without being subjected to the laws or regulations of Georgia. And that the passage of the river Savanah may be declared to be free and open to all your Majestys subjects of this Province and that the magistrates of Savanah in Georgia may be ordered to make reparation to your Majesty's subjects of this Province for the injurys they have done in seizing and destroying their goods, and that your Majesty will be graciously pleased to give such orders and directions to the Trustees for establishing the Colony of Georgia that violences of the like sort may not be committed for the future or take such other measure as to your Majesty in your great wisdom shall seem meet. *Signed* by Order of the [Council] Board, Wm. Bult. *Signed*, by order of the House of Assembly, Paul Jenys, Speaker. *Copy.* 15 pp. [C.O. 5, 365. ff. 153, 154-161, 162 v.].

Dec. 10.  
Whitehall.

**484.** Mr. Popple to Lt. Governor Broughton. The Trustees for establishing the Colony of Georgia in your Province have represented that endeavours were using to obtain from you grants of land, in that part of South Carolina, which lies between the Alatamaha river, and the northern bounds of the Spanish Florida: and as they are apprehensive that any grants made within that district might endanger the Peace, both of South Carolina and Georgia, they have pray'd H.M. that you may be instructed to make no grants therein. As my Lords Commissioners have never before now been apprized of any applications for land in this part of your Province, I am commanded



1736. [484]

to desire that you will inform their Lordships with all convenient speed, whether any applications have been made to you, for the purposes aforesaid; and to acquaint you, that, as their Lordships have laid before the Lords of the Council an Instruction proposed to be sent to you upon this head, it will be convenient, that you should for the present, refrain from granting any land within the district aforesaid. My Lords have received your letters of the 6th and 16th of August *etc.* My Lords have sent an extract of what you have wrote concerning the French Governor of Moville to his grace the Duke of Newcastle, and will shortly consider more at large what you have represented to them in relation to the inhabitants of Georgia. There having been some complaints laid before my Lords Commissioners by Mr. Jackson, Collector of the Customs at the Bahamas, against Mr. Fitz-William, the Governor of those Islands, and several of the material evidences having as he inform'd the Board retired to South Carolina, Mr. Jackson has desired that their depositions may be taken upon oath before you: I am therefore commanded to desire, that such persons as Mr. Jackson (the bearer hereof) shall bring before you, for the purpose aforesaid, may be examined upon oath, and that you will return to my Lords Commissrs. any depositions that shall in this manner be made under the seal of your Province. [*C.O.* 5, 401. *pp.* 193-196].

Dec. 10.  
Whitehall.

**485.** Mr. Popple to Mr. Fane. My Lords Commissioners have considered your report upon the Barbados act concerning the surveying of land; and have heard Mr. Edlington, the Surveyor General as well as the Agents of Barbados; But some doubts having arose, concerning the validity of the Surveyor's commission, it not being under the Seal of the Island; I am commanded to acquaint you, with my Lords' desire of speaking with you upon that subject on Tuesday morning next at eleven a clock. [*C.O.* 29, 16. *p.* 56].

Dec. 14.  
Whitehall.

**486.** Mr. Popple to Mr. Martyn, Secretary to the Georgia Trustees. A petition from the Council and Assembly of South Carolina complaining of ye interruption given to the Indian traders of that Province by the persons employ'd in the Government of the Colony of Georgia, having been referr'd to the consideration of my Lords Commissioners *etc.*, they desire to speak with some of the Trustees tomorrow morning at eleven a clock *etc.* [*C.O.* 5, 401. *pp.* 196, 197].

Dec. 15.

**487.** Mr. Martyn to Mr. Popple. *Abstract.* The Trustees will wait upon the Lords Commissioners for Trade and Plantations the 13th Jan. Encloses the three acts desired by the Board. *Signed*, Benj. Martyn. *Endorsed*, Recd., Read 15th Dec., 1736. 1 *p.* *Enclosed*,

487. i-iii. Three Acts of Georgia approved by the King in Council, 3rd April, 1735. (i) *for maintaining peace with the Indians*; (ii) *prohibiting the importation of black*

1736. [487 i-iii.]

*slaves ; (iii) to prevent the importation and use of rum and brandies etc. Printed by John Basket, London. 1735. [C.O. 5, 365. ff. 163, 164-177, 178 v.].*

Dec. 15.  
Whitehall.

**488.** Duke of Newcastle to the Council of Trade and Plantations. Having received this morning from my Lord Waldegrave a printed copy of the French King's Edict, *etc.*, *Encloses* it pursuant to request of 23rd Nov. *Signed*, Holles Newcastle. *Endorsed*, Recd. 15th, Read 16th Dec., 1736. 1 p. *Enclosed*,

488. i. Copy of French Edict of Oct. 1727. *Printed*. 16 pp. [C.O. 152, 22. ff. 253, 254-261 v., 262 v.].

Dec. 17.  
Whitehall.

**489.** Council of Trade and Plantations to the King. Recommend for confirmation Act of St. Kitts *for settling limits of the parishes etc.*, no objection having been offered to it. [C.O. 153, 16. pp. 66, 67].

Dec. 17.  
Whitehall.

**490.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed*,  
490. i. *Same* to the King. In obedience to Her Majesty's commands of 3rd Dec., *etc.*, we have considered the copies of two memorials thereby referr'd to us complaining that a French Merchant ship call'd the *Fortune*, in her return from the Island of Mary Galante in May, 1735, being forced by the currents upon the coast of Montserrat, was there seized by order of Mr. Mathew, your Majesty's Govr. of the Leeward Islands, who, as is alledged, before he would discharge the said ship, obliged the Commander to give security to pay to him the Govr. the value of his ship and cargo, if within a certain time he did not procure an order from your Majesty that the said bond should be discharged. We have likewise considered the copy of a Memorial delivered to my Lord Waldegrave referred to us by the Duke of Newcastle's aforementioned letter complaining that another French ship call'd the *Fleurion* of St. Malo, had been seized on the 22nd of July last (tho' it is alledg'd, that there was not the least suspicion of her being concerned in contraband trade) and carried to Montserrat, where the said ship and cargo had been confiscated, under pretext of a law made by the Assembly of Montserrat on the 5th of June last, Her Majesty having been pleased to direct, that we should make enquiry into the true state of the several facts complained of in these Memorials, and report our opinion thereupon ; we take leave to inform your Majesty that we have been attended by the Agents of the Leeward Islands and by several of the most considerable planters and merchants interested in, and trading to the said Islands with whom we have had several conferences and have likewise received memorials from them upon the subject of this complaint, with other



1736. [490 i.]

papers relating thereto, and also to captures made by the French vessels belonging to your Majesty's subjects; upon which we humbly represent to your Majesty That by the 5th article of the Treaty of Peace and Neutrality concluded between the Crown of Great Britain and the French King in 1686, it is agreed, that the subjects of each King shall forbear to trade and fish, in all places possessed, or which shall be possessed by the one or the other party in America; and that if any ship or vessel shall be found trading or fishing contrary to the tenor of the said Treaty, the said ship or vessel with its lading (due proof being made) shall be confiscated, reserving nevertheless to the party who shall find himself aggrieved by such sentence of confiscation liberty to apply to the Council of State of that King by whose Govrs. or judges the sentence has been given against him, and there complain of the matter which nevertheless shall not stop the execution of the sentence, but it is expressly stipulated by the said article, that the liberty of navigation shall not be disturb'd, where nothing contrary to the genuine sence of the said Treaty is committed. This Treaty was mutually observed by the subjects of each King, during the times of peace between the two nations till the year 1727, when the French King published an Edict very destructive to the trade of your Majesty's subjects of which we have had an authentick copy transmitted to us by his Grace the Duke of Newcastle and of which we take the liberty of inclosing a copy with this representation whereby it is ordered that strangers shall not touch with their vessells in the ports, creeks or roads of any of his Islands or Colonies (even in his uninhabited Islands) nor sail within a league thereof under pain of confiscation of their vessels and cargoes, and also a penalty of one thousand livres. Several vessels belonging to your Majesty's subjects having been seized and condemn'd under pretence of this Edict, and no redress obtained from the French Govr. of Martinique, notwithstanding the repeated applications made to him for that purpose, your Majesty's Govr. of the Leeward Islands on the 5th day of June last was induced to give his consent to an Act passed by the Council and Assembly of Montserrat, for the more effectual preventing all trade in those parts between your Majesty's subjects and the French, by virtue of which act one of the ships mentioned in the aforesaid Memorials called the *Fleurion* was seized at Montserrat of which we shall give your Majesty a particular and distinct account in the course of this representation. With regard to the ship the *Fortune* whose seizure is likewise complained of in the said French memorials, it appears to us that the gunner of the Fort in Plymouth Road in the Island of

1736. [490 i.]

Montserrat, seeing the said ship *Fortune* with a French pendant, and very near the ships in the Road, did on the 24th of April, 1735, fire at her in order to bring her to, but no appearance of illegal trading having been proved against her she was released, James Hardouins giving security to pay to your Majesty's Governr. of the Leeward Islands the value of the said ship and cargo; if within eight months from the date thereof it should be made appear to your said Govr. that before the date of this seizure the rigour of the aforesaid French Edict of 1727 had been agreed by your Majesty and the French King, to be taken off. Or if before the expiration of the said eight months, the Master of the said ship or his securities, should produce to your Majesty's said Govr. an order from your Majesty to release the said Master and his security. This we find to be the case of the ship *Fortune*, mentioned in the French Memorial; and altho' we do not see by what authority your Majesty's Govr. did exact security from the French master, no intention to trade having been proved against him, yet we can't help observing to your Majesty that the usage which this French ship and crew met with at Montserrat, was far different from the cruel treatment your Majesty's subjects have undergone at Martinique in the like circumstances. The ship *Fleuron*, which is the other ship whose seizure and condemnation is complain'd of in the aforementioned French Memorials was seized by the *Pall Mall*, a sloop belonging to your Majesty's Govr. of the Leeward Islands, on the 11th day of July last, sailing within a league of the shore of Redonda, an Island belonging to your Majesty and within the extent of the Government of the Leeward Islands, as appears by a copy of the proceedings of the Court of Admiralty held at Montserrat for the tryal of the said ship now before us. The Montserrat Act aforementioned after setting forth an illicit trade carried on notwithstanding the Treaty of Neutrality in 1686 the French Edict of 1727 for seizing and confiscating every foreign ship, found sailing within a league of their coast, and that the judges of the Courts of Admiralty of the Leeward Islands have been doubtful what judgment to give on tryals of vessels for a breach of the said Treaty of Neutrality for want of some law to give further force to and render the said Treaty more effectual, prays that it be enacted that it shall be lawfull for the Commander of any of your Majesty's ships of war, or any other vessell fitted out by commission from the Govr. to seize and take any French ship or vessel that they shall meet at sea within a league of any English shore or sailing any where within the extent of the Government of the Leeward Islands and having actually traded any where with



1736. [490 i.]

any of your Majesty's subjects; and the Court of Admiralty is impowered to convict and condemn such ship only which shall by due proof be found to have traded with your Majesty's subjects. But the *Fleurion* not appearing to have traded seems to have been condemn'd only for having been found within a league of the shore, which cannot even be justified by the Montserrat Act itself because the being within a league of shore can only be deemed by this Act a reason to seize and take such vessells, which cannot by the same Act be condemned but for having actually traded. And we cannot but observe to your Majesty that the sentence of condemnation given against this ship by the Judge of Admiralty does not appear to us to be justified either by the Treaty of 1686 or by the Montserrat Act. We now humbly lay before your Majesty a more particular account of the aforementioned Montserrat law for preventing all trade between the English and French with the reasons which induced your Majesty's Govr. of the Leeward Islands to give his assent thereto. But first we beg leave to suggest to your Majesty such reasons as have been offer'd to us, in justification of the Govr. for having given his assent to any law at all, for the purpose of that lately pass'd at Montserrat. We have already premised that by the 5th article of the Treaty of Neutrality concluded in 1686, between the Crowns of Great Britain and France the subjects of neither King should be allowed to trade or fish in any places possessed, or which shall be possess'd by the other in America, under penalty of confiscation providing at the same time for a mutual liberty of Navigation where nothing contrary to the general sence of the said Treaty is committed. By the 6th article of this Treaty, it was mutually agreed, that in case the subjects of either king with their shipping be forced thro' stress of weather or other urgent necessity to retreat and enter into any of the bays, ports and shores belonging to the other in America, they shall be received and treated there with all humanity and kindness and not detain'd or hindred from returning, provided they do not trade or employ themselves in fishing, which by this Treaty is forbid, under penalty of confiscation; and provided they give such notice on their coming in, as is by this article expressed. In the year 1727 the French King published an Edict by the 3rd article of which it is declared that strangers shall not touch with their vessels in the ports, creeks or roads of any of his Islands or Colonies (even in his uninhabited islands) nor sail within a league thereof, under the penalty of confiscation of their vessells and cargoes and of a fine of one thousand livres. By the 4th and 5th articles of this Edict all the French King's

1736. [490 i.]

officers, commanders of ships and subjects, are to put the above article in execution. And by the 11th article of this Edict, that genl. liberty which is granted to the subjects of either king in the Treaty of Neutrality of being us'd with humanity and kindness when drove by stress of weather or other necessity into any of the ports of each other in America, is restrain'd to a few ports only described in the said article and even there they are put under difficulties not mentioned by the Treaty. Under colour of this Edict, the vessells of your Majesty's subjects have been seized and condemn'd, for being only within a league of the French shoare altho' frequently forced there, by stress of weather and other accidents; and sometimes at 5 leagues from their shoars your Majesty's subjects have been taken, their ships seized and condemned, and heavy fines laid on them, tho no intention of trade could be proved against them, and they have even extended the rigour of this Edict to Islands undoubtedly belonging to your Majesty, and which have by mutual consent been evacuated till the right thereto could be determined at home. Of this and some other instances of the rigorous treatment your Majesty's subjects have met with from the French Govr. of Martinique, we beg leave to inclose instances with this representation. The many and repeated complaints of injuries sufferd by your Majesty's subjects in those parts, and the many fruitless applications for redress from the French Govr. of Martinique might probably lead your Majesty's Govr. of the Leeward Islands with the Council and Assembly of Montserrat into measures to prevent these seizures for the future. And as they might think themselves justified, in making seizures in the same manner, the French had done, by their Edict of 1727, they pass'd the aforementioned act, giving thereby a power to seize any foreign vessells within a league of any English shore or sailing anywhere within the extent of the Government of the Leeward Islands and of confiscating such vessel of any trade with your Majesty's subjects could be prov'd against them. Altho your Majesty's Govr. of the Leeward Islands with the Council and Assembly of Montserrat may have had a real good intent in the passing this act, vizt. the preventing of illegal trade, and altho' this law is not to serve [*? so severe*] as the French Edict, no French vessel being liable to be condemn'd by this Act, unless there is some proof of her having actually traded or having on board, goods merchandise &c. of the growth and product of your Majesty's Colonies, whereas by the French Edict, sailing within a league of their shores, is alone a sufficient reason for condemnation, yet we are of opinion that the legislature of Montserrat, by taking upon



1736. [490 i.]

themselves to explain and enforce a Treaty subsisting between the two Crowns of Great Britain and France without your Majesty's leave first obtained are guilty of encroaching upon your Majesty's Prerogative and the Govr. for having given his assent to an Act of such an extraordinary nature and importance, without a clause to suspend its taking effect until your Majesty's pleasure could be known upon it is guilty of a manifest breach of your Majesty's Instructions. For these reasons we would humbly propose that the act might be immediately repealed, but that we have received information that the French Govr. of Martinique finding that French vessels were now seized for the reasons assigned in their own Edict, had desired Capt. Crawford, Commander of your Majesty's ship the *Roebuck* to acquaint your Govr. of the Leeward Islands that he was sending a deputation to propose a cessation both of the Edict and the Act, until the affaire can more properly be determined at home by your Majesty, and the French King. And we must submit it to your Majesty whether this may not be a proper occasion for your Majesty's Minister at the Court of France to insist upon the revoking the Edict ; for if your Majesty should be pleased to declare your immediate disallowance of the Montserrat Act, unless the French King should also annul the Edict, it might be looked upon as a tacit allowance thereof, and the extensive manner in which the French have taken the liberty of carrying the same into execution, even five leagues from their own shores, may be attended with consequences very destructive to the trade of your Majesty's subjects, and the French may in time assume to themselves a right to seize ships in America, not consistent with your Majesty's Dominion in those seas. [C.O. 153, 16. pp. 68-84].

Dec. 17.  
Whitehall.

**491.** Council of Trade and Plantations to the King. Represent, upon act of Barbados *concerning the surveying of land*, that by the 28th article of the Governor's Instructions empowering the President of the Council to take upon him the administration *etc.*, the President is expressly forbid to pass any acts, but what are immediately necessary for the peace and welfare of the Island. This act not being of that nature, we forbear troubling your Majesty with such objections, as have been laid before us, against it, but humbly take leave to propose to your Majesty that the said act may be repeal'd, it having been pass'd by the President, in direct opposition to your Majesty's said Instructions. [C.O. 29, 16. pp. 57, 58].

Dec. 20.  
Whitehall.

**492.** Mr. Popple to Governor Johnston. My Lord Commissioners for Trade and Plantations command me to acknowledge the receipt of your letter of the 15th October last to which their Lordships will shortly send you an answer : In the mean

1736. [492]

time I am directed to acquaint you upon the subject of the letters you inform the Board that Capt. Burrington has wrote as the result of Conferences between my Lords Commissioners and him to your disadvantage, that their Lordships are surprized at Capt. Burrington's having taken any liberty of that kind, and also to assure you, that he has had no reason for so doing from anything that ever pass'd between the Board and him. [*C.O.* 5, 323. *f.* 125 *v.*].

Dec. 21.  
Barbados.

**493.** President Dottin to the Council of Trade and Plantations. As I never fail transmitting such publick papers as are furnished me by the proper officers here, by the very first opportunity that presents after having them, I now take the liberty of sending your Lordships such as lately came to my hands, and if my despatches are untimely, and not exactly pursuant to my instructions, the blame lyes on the officers, who are not so absolutely under my directions as they woud otherwise have been, had I not been restrained from displacing any one without the consent of seven of the Council, and as we have but barely that number on the island who seldom are all together, I perswade myself that your Lordships will think the two vacancys in the Council, by the death of Mr. Peers, and the absence from the Island, without leave, of Mr. Ashley, who was oblig'd to abscond in a private manner for debt, ought to be supply'd as soon as possible, and I shall be glad your Lordships wou'd be pleased to recommend Collo. John Maycock and Thomas Harrison Esqr. whom I named for this purpose to supply those vacancys. I think it my duty to send your Lordships copys of two letters which lately pass'd between the General of Martineco and myself relating to a ship unjustly carry'd in thither; for unless practices of this sort are discountenanc'd and great care taken to prevent for the future such an unjustifiable act, our trade will be rendered very precarious and uncertain, and the merchants much discourag'd therein your Lordships no doubt will do what is proper herein, and also take some notice of the French still continuing their settlements on the Islands stipulated to be evacuated by both nations; had the English subjects behaved in this manner, I believe the French wou'd have found some method to oblige us to quit them, since, in case of a rupture between the two nations, the having those Islands in their possession will be a considerable advantage to them and very prejudicial to the English. *Signed*, James Dottin. *Endorsed*, Recd. 8th March, Read 7th Sept., 1737. 1 *p.* *Enclosed*,

493. i. President Dottin to the Marquis de Champigny. 18th Nov., 1736.

493. Copy of encl. i following. 1 *p.* [*C.O.* 28, 25. *ff.* 47-48 *v.*, 49 *v.*].

Dec. 21.  
Barbados.

**494.** James Dottin to the Duke of Newcastle. Was I not oblig'd by my Instructions to transmitt your Grace the Publick papers thereby directed to be sent home for H.M. consideration, I should be afraid that my dispatches wou'd prove troublesome



1736.

[494]

and divert your Grace's thoughts from more weighty matters, while you was perusing those sent by me ; but as I never neglect embracing the first opportunity that offers to send the papers furnish'd me by the officers, I hope, if they come untimely, your Grace will impute the fault to them ; since I am restrain'd from compelling such a punctual compliance on their part as a Governour might do, being directed not to remove or displace any officer civil or military without the consent of seven of the Council, and, as we have now but barely that number on the Island, they seldom are all together, and I believe your Grace will therefore think it absolutely necessary for H.M. service that the two vacancies now therein, by the death of Mr. Peers and Mr. Ashley's going off the island in a secret and clandestine manner, without leave, shou'd be fill'd up and supplied, to which I took the liberty of recommending Col. John Maycock and Thomas Harrison, Esqr., as fit persons to succeed. I presume also to enclose to your Grace copys of two letters wch. lately pass'd between the General of Martineco and myself relating to a ship unjustly carry'd in thither, and had not the captain been lucky enough to meet with a friend there to be his security for the stipulated value of the ship and cargo, the damage to the owners might have been very considerable. Your Grace may possibly think some methods ought to be taken to prevent for the future such causeless captures, and had such an affair happened in the English Dominions to a vessel belonging to the French nation, I believe their Court wou'd have immediately represented the injustice of such a procedure, as tending greatly to interrupt the harmony subsisting between the two nations, as they wou'd also have done had H.M. subjects continued their settlement on the islands stipulated to be evacuated, and which are still inhabited by great numbers of the French. Your Grace will likewise herewith receive an address to H.M. from the Grand Jury of this Island, and as it has been usual on these occasions to transmitt copys of the others presented to the Commander in Chief and the Chief Justice, I have also done so, and if your Grace thinks proper, you will be pleased to lay them before H.M. with the other address *etc.* *Signed, James Dottin. Endorsed, R. 30th March. 1½ pp. Enclosed,*

494. i. M. de Champigny to President Dottin. Martinique, 23rd Dec. (n.s.), 1736. In reply to following letter relating to the ship *Scipio*, Alexander Macpherson, master, at first condemned in the Admiralty Court, Martinique, and afterwards discharged by the Superior Court, Capt. Macpherson and his ship are detained pending an appeal which has been entered to the Council of State by the Director of the King's Domain, who requires Capt. Macpherson to give security to abide by its decision. Regrets that he cannot override the Intendant on this point *etc.* *Signed, Champigny. French. Copy. 2 pp.*

494. ii. President Dottin to Governor General of Martinique. Nov, 18th, 1736. Represents case of the *Scipio* (v.

1736. [494 ii.]

preceding), which arrived at Barbados Oct. 21st. from Africa with a cargo of negroes, and not meeting with a good market there, cleared for Jamaica, "but by reason of slack winds and a strong current was brought nearer to Martinique than was intended or could possibly be avoided, and though she happened to be 12 or 13 miles off from the shoar, and there was no pretence of the least intention of trading with any of His Most Christian Majesty's subjects, yet was she seized and detained as a prize at Martinique." Asks H.E. to see that she be discharged with damages for this unjust and vexatious delay *etc.* Signed, James Dottin. *Copy.* 2½ pp.

494. iii. Address of Grand Jury, Barbados, to the King. 14-17th Dec., 1735. *Abstract.* Congratulate H.M. upon his preservation of the peace, and the marriage of the Prince of Wales with a Protestant Princess. Acknowledge the particular happiness they enjoy under the administration of their worthy President *etc.* Signed, Benj. Hall and 16 others. 1 large p.

494. iv. Address of *Same* to President Dottin. Dec. 14-17th., 1735. Acknowledge benefits the island has received under his presidentship. "The regular and impartial administration of justice, the preservation of the publick tranquillity, the asserting the rights of the Crown, and the trade of our merchants, that have been invaded and interrupted, by the late attempts of our too powerful rivals of the French nation, these have been the great objects of your honour's care *etc.* The misfortunes under which we labour with regard to our trade, and the low rates of the commodities of the island, is a melancholy consideration; but from the good intelligence and harmony betwixt your honour and the Council and Assembly of this island, and the representations that have, and may yet be made to H.M. upon this subject, and above all, from H.M. paternal regard to the happiness of his most distant subjects, we still flatter ourselves with the hopes of seeing this island again restored to the condition, in which it once so eminently flourished." Signed as preceding. *Encl. ii.* *Copy.* 1¾ pp.

494. v. Address of *Same* to James Bruce, Chief Justice. Return thanks for his charge and for his appointment by the President *etc.* Signed as preceding. 1¾ pp. [C.O. 28, 45. ff. 349, 350, 351, 351 v., 353, 353 v., 394, 394 v., 395 v.-396 v., 398-399].

[Dec. 22.] **495.** The humble Memorial of the Master, Wardens, Assistants and Commonalty of the Society of Merchants Adventurers of the City of Bristol, to the Council of Trade and Plantations. By certain advice of the seizing at sea, and confiscating several British vessels and cargoes at the French Islands in America,



1736. [495]

under colour of an Edict of the King of France in 1727, your Memorialists apprehend great damage may ensue to their ships and effects, and others His British Majesty's subjects, trading to His Sugar, and other settlements in America; by reason they frequently are obliged to sail within a league of the French Islands in their passages to and from the said Settlements, more especially with their negro ships from Africa. Wherefore your Memorialists humbly beg leave to represent to your Lordships, the risque and loss they may sustain by the continuance of the said Edict, and to endeavour to obtain such relief herein, as may in your Lordships' judgment be deemed most suitable. *Endorsed*, Recd. (from Sir Abraham Elton), 22nd, Read 23rd Dec., 1736. 1 large folded p. [C.O. 152, 22. ff. 263, 263 v.].

Dec. 23.  
Whitehall.

**496.** Council of Trade and Plantations to the Duke of Newcastle. Enclose memorial from the Society of Merchants Adventurers of Bristol, delivered to the Board by Sir Abraham Elton, to be added to papers enclosed with representation of the 17th. [C.O. 153, 16. p. 85].

Dec. 23.  
Whitehall.

**497.** Mr. Popple to Mr. Fane. Encloses following case and query for his opinion in point of law. *Annexed*,

497. i. The case by the Act of Parliament passed in the 15th year of King Charles the Second entituled *An Act for the encouragement of Trade*, no commodity of the growth, production, or manufacture, of Europe can be imported into any Plantation to H.M. belonging in Asia, Africa, or America, but what shall be ship't in Great Britain and in English built shipping, and whereof the Master and  $\frac{3}{4}$ ths of the Mariners are English and which shall be carried directly thence to the said Plantations and from no other place whatsoever under forfeiture of ship and goods. That by the 7th section of the said Act there is a proviso, that it shall be lawfull to ship in ships duly navigated as aforesaid, salt for the fisherys of New England and Newfoundland in any part of Europe and in the Maderas, wines of the growth of the said Islands, and the same to transport into any of ye said Plantns. Since the passing of this Act it has been a custom to export Canary Wines directly from the Canaries to New England and New York, but some doubts having arose whether this exportation is consistent with the aforesaid Act of Parliament; and application having lately been made for liberty to export Canary wines directly from the said Islands to the other Plantations in America. Q. Whether consistent with the aforesaid law, Canary wines may legally be imported, into any of the Plantations directly from the Canary Islands. [C.O. 324, 12. pp. 226-228].

Dec. 23.  
Boston.

**498.** Mr. Willard to Mr. Popple. Has sent, by Capt. Samuel White, Minutes of Council of the Massachusetts Bay, March-

1732. [498]  
 Aug., and of the General Assembly, March, May, and Acts passed in May *etc.* *Signed*, Josiah Willard. *Endorsed*, Recd. 19th Feb., Read 8th June, 1737. 1 p. [*C.O.* 5, 879. ff. 170, 173 v.].
- Dec. 24. **499.** Mr. Popple to Mr. Carkesse. In reply to letter of  
 Whitehall. 16th, encloses copies of Instructions usually given to Governors in America relating to the officers of the Customs, (e.g. Jamaica, Inst. 53-55). [*C.O.* 324, 12. p. 228].
- Dec. 28. **500.** Treasurer's Accounts of H.M. Revenue in the Massa-  
 Boston. chusetts Bay, 28th May, 1735-26th May, 1736, amounting to £138,284 5s. 5d., out of which he has made payments of £37,726 7s. 9d. Inspected and passed by the House of Representatives. Dec. 28, 1736, concurred with by the Council, Dec. 29. *Signed*, Jer. Allen. *Endorsed*, Transmitted by Mr. Willard. Recd., Read 8th July, 1737. 23 pp. [*C.O.* 5, 879. ff. 174-185 v.].
- Dec. 28. **501.** Governor Belcher to the Council of Trade and Planta-  
 Boston. tions. The 6th instant I recd. the honour of your letter of 23rd Sept. last (in answer to eleven of mine to 22nd of July) for which I humbly thank your Lordships. As to the notes of private persons intended to have been issu'd at New Hampshire, I see your Lordships had laid the Act of this Province relating to them before H.M. for his disallowance. What I wrote your Lordships on the head of paper money (as it's call'd) was in great duty to H.M., and while he is pleas'd to restrain the Massachusetts and New Hampshire Assemblies to certain sums, I can't see how it's possible, that H.M. wise and gracious Instruction on that head can have the intended effect, or his people the advantage of it, if sett's of private persons shall without controul take the liberty of issuing what sums of paper money they please, to the further deluding of the unwary and unthinking, and which must issue in their ruin. Were your Lordships to have before you the state of all the paper money in North America, and to see the vast ruin and loss it has brought on the British trade, and on H.M. good subjects of the Plantations (as I have observ'd it for 30 years past) I believe, my Lords, in regard to the trade of Great Britain, as well as in compassion to the people here, your Lordships would think it advisable, that there should be an Act of Parliament forbidding the striking any other paper bills to pass in lieu of money in America, than what should be on a security of gold or silver, and so as to maintain the value at all times of what the face of such bill should mention. I say, my Lords, I am fully in this opinion, but shall give your Lordships no further trouble for the future about it. I have wrote your Lordships so often on the affairs of New Hampshire, that I should forbear saying anything of them now, but that I find your Lordships had reciev'd letters importing as if the reason of the Assembly's not doing their duty might have been occasion'd by some mistakes in my conduct. My Lords, in justice to myself I am obliged to clear up this matter. As my speeches and their answers have been in the publick prints, if your Lordships could



1736.

[501]

give yourselves the trouble to review them, I should with great pleasure submit to any censure you would pronounce on them, because I am well satisfy'd I have at no time said or done anything more with those Assemblies, than what was absolutely necessary to support the King's authority or honour; nor have they for five years past shewn an inclination to supply the Treasury but in such a manner as H.M. Council would not consent to, so no bill could come to me for my assent or dissent. I have always waited on them with great patience; and generally longer than has been usual for Assemblies to sit in that Province, and notwithstanding what the last Assembly said I am still perswaded, that, had it not been for Coll. Dunbar, and his adherents, all things would have been perfectly easy in that Province; nor have I any doubt, but that he has assisted from time to time in the indecent answers made to my speeches. Your Lordships say you should be oblig'd to lay before H.M. the sending my orders to New Hampshire to the President of the Council, while Coll. Dunbar was present; I do confide in your Lordships' honour and justice so far as to hope you will at the same time lay before H.M. the reason of my so doing, which I mention'd to your Lordships in mine of 8th Dec. last in these words. "That his late disobedience to my orders has oblig'd me, in honour to H.M. Commission to me, to send my orders of Government to the President of H.M. Council of New Hampshire, nor dare I by any means let the King's service suffer, or the Government go into confusion, thro' his hardiness in disobeying the orders of the King's Governour." But this, my Lords, is one article of complaint he made against me near two years ago, and my answer to that, and to the other articles of his complaint, has lain at the Council Office near 18 months, but his agent will by no means be perswaded to bring the matter forward to a hearing, on which I should be glad to have H.M. royal pleasure. Your Lordships say you presume I shall soon recieve the King's Instructions relating to the settling of the boundaries between the Massachusetts Bay and New Hampshire; when they come to hand, I shall with great duty, care, and diligence, pursue the contents of them to the utmost of my power. I am glad your Lordships had recd. the accotts. of the Treasury of this Province to the year 1735. This last year's accotts. are not yet adjusted but hope they may before the Assembly (now sitting) rises, and when done they shall be duly transmitted to you. Upon a review of my letters I find my last return to your Lordships' General Queries was 6th Nov., 1734, there having been to that time but little alteration for the year 1731, the time I had sent them before; I shall now carefully look over the several queries you have sent me and give my particular answer as soon as the nature of the things will allow. I am to acquaint your Lordships that the Assembly of this Province made no supply to the Treasury in June last, (the usual time for doing it) and what they will do in their present sitting is uncertain; but I have reason to believe they are inclin'd to enter into a new contention, relating to H.M. Royal orders to me on that head. *Signed, J. Belcher.*

1736.

[501]

*Endorsed*, Recd. 6th, Read 8th July, 1737. 8 pp. [C.O. 5, 879. ff. 186-189 v., 190 v.].

[1736.]

**502.** State of the case between Governor Cosby and Lewis Morris. Justifies Governor Cosby in removing Morris from being Chief Justice of New York. *Concludes* :—Mr. Morris's printed arguments and letter and declared enmity to the Governor are of themselves sufficient reasons to justify his removal and to prevent his being restored. *No date, signature or endorsement.* 6½ large pp. [C.O. 5, 1093. ff. 363-366].

[1736.]

**503.** The case of the inhabitants of the Bahama Islands. (Cf. Oct. 7th). *Abstract.* Governor Fitzwilliam, on his arrival in Providence, opened store at which he sells such things as are of general use in the Plantations, as linnens, woollens, beef, pork, flour, rum, nails, pins, needles *etc.*, which he delivers with his own hands, often selling and measuring out a single yard of Osnabrig. He acquainted the inhabitants that they would recommend themselves to his favour by laying out their money at his shop; to such as would do so he offered his protection, and to secure them against the prosecutions of such shopkeepers as they were before indebted to, bidding some of them tell their creditors that he would defend them at law. The Governour, in order to induce people to buy goods at his shop, frequently offers to take debts, or their demands upon others, in payment. He bids at public sales, deterring others from buying, so that he often purchases goods for half their value. He obliges such as get a livelihood by cutting dying wood, or by selling other production of the Bahama Islands, to sell such goods to him, on promise of paying as much as others would give; then tells them he has no money, and by frequent delays obliges them to take goods out of his shop, whether they want them or not, which they often re-sell the same day at 40 p.c. loss. By these acts, scarce any trade can be carried on but at his shop. Upon the arrival of vessels in the port of Providence, the masters are not suffered to speak to anyone (even an owner) until they have been conducted under a guard to the Governor, and if they bring any live cattle, provisions or other necessities of which the island is in immediate want, he buys them all, thus obliging the inhabitants to buy from him at even 100 p.c. profit. The Governor, in Sept. 1734, sent by two sloops to the Havana Naval Stores and other goods to the value of 5 or £600. But Edward Vine, master of one of the said sloops, returning with two cables (part of the said Naval Stores) which he could not dispose of there at the price fixed by the Governor, and at the same time buying a sail for his sloop, not at the Governor's shop, the Governor threatened to commence an action against him, and to seize his sloop, as being guilty of carrying Naval Stores to the Spaniards, and the sloop being loaded, and ready to sail for New York, refused to give him his clearances *etc.*, nor would he be pacified until Vine had bought a quantity of sailcloth at his shop. The chief production of the Bahama Islands is salt, which is most



[1736.] [503]

made at Exuma *etc.*, to which place great part of the inhabitants and their servants repair every year in the proper season to gather it, in order to send to the Northern Colonies. Upon their preparing to go as usual in Feb. 1734, the Governor commanded them to assemble on a certain day, when a commission was opened on the part of the Governor appointing three persons as supervisors of the Salt ponds, with power to grant permits to such persons as intended to rake salt, and directions that no person should go without a permit, for each of which 12 rials, or 6 shillings sterl., was paid. Some of these permits were granted by the Governor and some by the supervisors. It was likewise ordered that no person should have a permit without first giving bond to pay the Governor one tenth part of all the salt they should rake. At the same meeting it was declared that the Governor had appointed a person to be measurer of all the salt gathered at Exuma, who was to have one sixth part of it. These officers were never heard of before in the islands, nor are the taxes of one-tenth and one-sixth, amounting to 26 p.c., authorized by any law. They are intolerable burthens, never exacted by any Governor appointed by H.M. Some of the inhabitants, demanding to know why this new demand was made, were threatened with the Governor's displeasure. The next day, the Governor, at the door of Samuel Lawford's house, said they were beasts of burthen, and that he would rule them with a rod of iron. In March, 1734, some of the inhabitants found a large piece of ambergris of which the Governor took 32lb. 5oz., under pretence of having a right to  $\frac{1}{4}$ th part. In July, 1734, a writing was put up at the Church door, without other publication, in the name of the Governor and Council, requiring all persons to bring in at a certain time an account of their families, servants and slaves, which order was generally obeyed, but several persons living in remote parts of the island being summoned to answer to the Council why they had not obeyed, many declared they had never heard of it, and one, Charles Powel, proved that he arrived from Carolina but the night before the summons. Notwithstanding which, he with 13 more were immediately conducted to the prison in the fort by express command of the Governor. Powel and one Meredith were released the same day, paying the Marshal his demands, the other 12 were kept till the next day without any food, and then told by the Governor's Marshal that they should be whipped about the town, unless they would undertake to make a lime-kiln, and burn a quantity of lime for the Governor's use. They complied, but some of them having hired other men to work at the kiln in their stead, the Governor said they had not complied with the condition, and obliged them to make a second kiln. When that was done, he commanded all of them to make a third kiln, on which they were at work in Jan. last. The said lime being made some miles from the town, the Governor ordered some soldiers to take by force several boats belonging to vessels in the harbour to bring it to town. Almost all the causes tried in the Court of Common Pleas since his arrival have been brought

[1736.] [503]

at the Governor's suit against inhabitants on vexatious and frivolous pretences, and several have been ruined by the excessive charges he has put them to, *etc.* It is his constant practice to influence the Court (*as Oct. 7th*) *etc.* When the defendants have had a verdict for them at common law, he has constantly ordered his Attorney to appeal to himself in Chancery, where without any form or trial, he reverses the verdicts, and decrees the causes for himself, refuses to admit any appeal to H.M. in Council, or else decrees the sum contested for to be a few shillings less than £100, and by that means deprives the inhabitants of their right of appealing. In Feb. 1731, Mr. John White, Treasurer, gave notice of his intended departure for England, passed his accounts in Council, and paid over the balance to the succeeding Treasurer, and left the island. The Governor, immediately after his arrival, upon pretence that it did not appear by the Council books that Mr. White had a regular discharge, commenced a suit against White's Attorney for 900 pieces of eight as the balance due from him as Treasurer, and at the same time the Marshal delivered the declaration, he seized six blacks, the property of White. This suit was put off from court to court by the Governor's attorney for six months, when he found himself obliged to declare in Court, that he saw no grounds to go on with the prosecution, the owner of the negroes having meantime been deprived of their labour, though they were kept at his expense. *Describe case of Capt. Petty's bond etc., and Samuel Lawford, (v. Oct. 7th).* On 22nd July, 1734, John Lusher, a shipwright living 12 miles from the town, was summoned by the Chief Judge and required to answer upon oath to all such questions as should be asked him in relation to certain conversation between him and Peter Goudet. Lusher answered that he did not think himself obliged to take the oath required in order to accuse himself, that he was 75 years of age, had a weak memory, and was little able to give an account of particular words spoken some time before. He was immediately conducted to the prison, and there kept till he complied. On 17th July, 1734, the Governor told Florentius Cox that he had been about the town to persuade the inhabitants to leave the island, which Cox denying, the Governor fell into a great passion, and gave him very opprobrious language, and a blow on the breast, and ordered the Marshal to carry him to gaol. Whereupon Cox said that he believed the Governor's storekeeper, one Archbold, who was at Cox's house the day before, had told him some false story; to which the Governor answered that, if he dared to say anything against Archbold, he would make Archbold knock his brains out. However, Archbold dying soon after, nothing further ensued till 26th July, when Cox coming out of the house of Mr. Lawford, one John Keowin, another of the Governor's servants, came behind him, and struck him on the head with a club, and knocked him down, and beat him in such a manner that he was not able to go out of his house for two months. Cox brought an action against Keowin for damages, but the Marshal would not take him up, and returned the writ, that Keowin was not to be found, altho the Marshal and Keowin



- [1736.] [503] walked together every day in the town, and Keowin who was Clerk of the Court, read in Court the return of the writ in the words above-mentioned. In November, 1734, Cox having bought one quarter part of a sloop, the old register of the sloop was cancelled by the Collector, and a new one made out, which were carried to the Governor in order to his signing the new register, but he kept them both, telling Cox he would not grant a register for the said sloop, because he had some demands on one of the owners. The Governor persisting in his refusal till January last, Cox saw himself under a necessity of leaving the island and his sloop. The Governor has used many endeavours to prevent any complaint of his violences; he has ordered some masters of vessels not to carry any letters or persons from Providence *etc.*, (*as Oct. 7th*). When he has heard of any murmurs against these his practices, he has declared, that he would ruin the inhabitants, and then leave them to complain *etc.* *Without date, signature or endorsement.* 7 $\frac{3}{4}$  pp. [C.O. 23, 14. ff. 277-280 v.].
- [1736.] **504.** Address of the Assembly of S. Carolina to the King. Assure H.M. of their unfeigned loyalty and congratulate him upon the marriage of the Prince of Wales *etc.* *Signed* by order of the House, C. Pinckney, Speaker. 1 p. [C.O. 5, 383. f. 35].
- [1736.] **505.** Similar Addresses to the Queen, the Prince and Princess of Wales. *Same* signature. 3 pp. [C.O. 5, 383. ff. 37-38].
- 1726-1736. **506.** Memorandum of Instructions to the several Governors on the Continent, giving their titles. [C.O. 5, 5. ff. 135-136].
1736. **507.** Naval Officer's List of Entries and Clearings, S. Potomach, Virginia, 1736. [C.O. 5, 1445. ff. 2-5].
1736. **508.** Naval Office returns of vessels entered and cleared at Charles Town, S. Carolina. [C.O. 5, 510].
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INDEX OF PERSONS.

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## INDEX OF PERSONS.

### A

- Abbot, Richard, Councillor, Nevis, death of, 329 p. 220, 406.
- Abercromby, James, Attorney General of South Carolina, a Commissioner to settle boundaries, extract from letter from, 39 i.
- Adams, John, Councillor, Nova Scotia, grant of land to, 384 i, ii.
- Adowekenk, Penobscot Indian, document signed by, 365 i.
- Akasunhawk, Joseph, Penobscot Indian, document signed by, 365 i.
- Aldridge, Captain, Commandant at Canso, complaint against, 117.
- Alexander, James, Councillor of New York and New Jersey and Surveyor General of the Jerseys, 272 ii.
- ....., ....., absence from Council, 298, 298 viii, ix.
- ....., ....., attendance at Council, 404 p. 296, 404 xii, xiii, xiv.
- ....., ....., Agent for. *See* Paris, Ferd. John.
- ....., ....., case of Mr. Van Dam, 298, 298 viii, ix.
- ....., ....., charges against, 86, 402, 403, 404 p. 297, 408 p. 302, 411.
- ....., ....., petition of, 175.
- ....., ....., removal from office urged, 86, 272, 273, 273 i, 298, 327, 334, 403, 404 p. 298, 415.
- ....., ....., residence in New York, 424.
- ....., ....., summoned to Council, 402 i, v, vi, vii, 404 p. 298.
- Allen, —, Receiver General of North Carolina, instructions for, 410 p. 304.
- ....., Jer., Treasurer of Massachusetts Bay, document signed by, 500.
- ....., John, Councillor, Virginia, proposed for Council, 106.
- ....., Joseph, Virginia, estate of, Act concerning, 480 p. 364.
- Alstyn, Matthew Van, New York, affidavit of, 267 i.
- ....., ....., support of Mr. Van Dam's claims, 267.
- Amhurst, Edward, Deputy Surveyor of Nova Scotia, grant of land in Nova Scotia to, 384 i, ii.
- ....., ....., map of peninsula in Bay of Fundy surveyed by, 116 ii.
- Anderson, John, President of Council and Commander in Chief of New Jersey, death of, 284, 415.
- Anne, Queen, enquiry into Mohegan Indians' land dispute ordered by, 300 i, ii.
- ....., instructions of, 157 p. 102.
- ....., petition to, from Connecticut, 333.
- ....., policy of, on Indian trading, 376 p. 264.
- Arbuthnot, Robert, Justice of the Peace of Antigua, report by, 460 iv.
- Archbold, —, Storekeeper in the Bahamas, case of Florentius Cox, 503 p. 391.
- Archdale, John, late Governor of North Carolina, terms governing grants of land by, 141 p. 85.
- Archer, Anthony, Grand Jury Barbados, document signed by, 203.
- Arexis, Chief Delegate for Penobscot Indians, 375 ii (*d*).
- Armistead, Henry, Councillor, Virginia, proposed for Council, 106.
- ....., ....., vines sent to, 28.
- Armstrong, George, Colonel, Office of Ordnance, The Tower, letter from, 92.
- ....., Lawrence, Lieutenant Governor of Nova Scotia, charges against, concerning grant of land to John Hart, 116.
- ....., ....., grant of land to, 384 i, ii.
- ....., ....., letter from, 117, 195, 199, 340, 384, 462, 462 ii.
- ....., ....., letter to, 9, 112, 462 i, iii, iv.
- ....., ....., petition to, 462 v.
- ....., Thomas, grant of land in Nova Scotia to, 384 i, ii.
- Ashe, John Baptiste, Councillor, North Carolina, 161.
- ....., ....., death of, 97.
- Ashfield, Richard, New York, appointment as Sheriff by Mr. Van Dam, 402 i.



Ashley, John, Councillor, Barbados, absence without leave, 493, 494.  
 . . . . ., . . . . ., proposal to remove from office on account of debts and difficulties, 183, 188.  
 . . . . ., . . . . ., removal from office, 395, 396.  
 . . . . ., . . . . ., postponed, 399.  
 . . . . ., . . . . ., unable to continue in office, 289, 290.  
 Ashurst, Sir Henry, Bart., Agent for Connecticut, petition and appeal of, 332 i, 333.  
 Assweniut, Penobscot Indian, document signed by, 365 i.  
 Attorney General, H.M. *See* Willes, Sir John.  
 Auchinleck, Andrew, Councillor, Bermuda, 211.  
 Auchmuty, Robert, Chief Justice of New England and Judge of Vice-Admiralty Court, Boston, document signed by, 152 i, ii.  
 . . . . ., . . . . ., suit against, for debt, 126.  
 Augusta of Saxe-Gotha, Princess of Wales, marriage of, alterations in prayers for the Royal Family in consequence of, 458, 459.  
 . . . . ., . . . . ., congratulations from New York, 459 i.  
 Ayscough, John, President of Council and Commander in Chief, Jamaica, action in case of Mauritius Vale, 140.  
 . . . . ., . . . . ., death of, 125, 140, 215, 226.  
 . . . . ., . . . . ., letter from, 5, 6, 71, 73, 74, 215.  
 . . . . ., . . . . ., letter to, 26, 90, 215.  
 . . . . ., Thomas, son of John, Jamaica, grant of Vale's estate to, 140.

## B

Baden, Robert, grant of land in Nova Scotia to, 384 i, ii.  
 Badenhop, Jesse, Vendu Master of South Carolina, appointment of, 145.  
 . . . . ., . . . . ., Mr. Bladen's recommendation of, 145.  
 Baird, —, Councillor, New Jersey, removal from office, 415.  
 Balaguier, John, Deputy Secretary of St. Christopher, observations on accounts of, 341.  
 . . . . ., . . . . ., reply to, 345, 390.

Balaguier, John—*cont.*  
 . . . . ., . . . . ., references to payments made to, 345 i.  
 Ball, —, Captain, of Brazil, and Boston, N.E., proposals for improvement of Virginia tobacco by, 28, 31.  
 . . . . ., . . . . ., enquiry into, 409.  
 Baltimore, Lord. *See* Calvert, Charles.  
 Bamenuit, Penobscot Indian, document signed by, 365 i.  
 Barber, John, Boatman of Skidoway, Georgia, deposition of, 348 xvii.  
 Barelay, —, New York, missionary to Indians, 470 p. 349.  
 Barnsley, Captain, R.N., Commander of H.M.S. *Namure*, 296 p. 193.  
 . . . . ., . . . . ., mission to Guadeloupe, 296 p. 194.  
 Bascom, Peter, Grand Jury, Barbados, document signed by, 203.  
 Basket, John, printer, London, 487 i-iii.  
 . . . . ., . . . . ., document printed by, 138 i.  
 Bayley, Joseph, Grand Jury Barbados, document signed by, 203.  
 Baylis, Robt., a Commissioner of H.M. Customs, document signed by, 72.  
 Beauchamp, John, grant of land at St. George's River to, 375 ii (f).  
 Beaufort, Duke of. *See* Somerset, Henry.  
 Bedon, Thos., Foreman of the Grand Jury, Bahamas, document signed by, 434 ii.  
 Belcher, Jonathan, Governor of Massachusetts Bay and New Hampshire, action of, in case of St. George's River settlements, 355.  
 . . . . ., . . . . ., Agents of. *See* Partridge, Richard; Belcher, Jonathan, Junior.  
 . . . . ., . . . . ., case of *Baltimore* brigantine sent to, 340.  
 . . . . ., . . . . ., conference with Indians, 144, 144 i, 218, 365, 365 i, ii.  
 . . . . ., . . . . ., account of, 375 ii (d).  
 . . . . ., . . . . ., dispute with Colonel Dunbar, 100 p. 56, 194, 321, 501.  
 . . . . ., . . . . ., account of, 387.  
 . . . . ., . . . . ., intervention in case of Mr. Graves, 413.  
 . . . . ., . . . . ., instructions for, 100 p. 55, 337, 351.  
 . . . . ., . . . . ., (27th), 82.  
 . . . . ., . . . . ., (80th), 234.  
 . . . . ., . . . . ., additional, 24.  
 . . . . ., . . . . ., draft of, 156 i.

- Belcher, Jonathan, instructions for—  
*cont.*  
....., ....., concerning cur-  
rency, 369 i.  
....., ....., instructions from, con-  
cerning H.M. woods, 362.  
....., ....., letter from, 24, 77, 85,  
94, 144, 152, 234, 235, 236,  
257, 258, 311, 313, 314, 315,  
316, 321, 322, 337, 351, 352,  
362, 365, 375, 375 ii (b), 501.  
....., ....., letter to, 100, 126, 209,  
218, 365 i, 375 i.  
....., ....., meeting with Indians,  
77, 311, 311 i.  
....., ....., memorial on behalf of,  
82.  
....., ....., message to Council and  
Assembly from, 375 ii (c), (h).  
....., ....., petition in favour of,  
100.  
....., ....., queries for, reply to, 501.  
....., ....., salary of, 351.  
....., ....., instructions con-  
cerning, 156 i.  
....., ....., question of assent  
to bill granting, 82, 100.  
....., ....., settlement of, 33.  
....., ....., Junior, son and Agent of  
Governor Belcher, instructions  
for, 337.  
....., ....., memorial from, 82.  
Berwick, Duke of, regiment of, at  
Philipsburgh, 276.  
Bienville, Mons. de, Governor at  
Menville, 349.  
....., ....., forces raised by, 381.  
....., ....., letter to, 157 v.  
Bignall, John, Treasurer, Barbados,  
document signed by, 183 v.  
Bishop, George, Grand Jury, Barbados,  
document signed by, 203.  
Bladen, Martin, a Commissioner of  
Trade and Plantations, letter  
from, 145.  
....., ....., letter to, 403.  
Blair, John, Deputy Auditor, Virginia,  
document signed by, 159 i,  
383 i, 480 i.  
Blake, Martin, St. Christopher, 253  
iii.  
Blenman, Jonathan, Attorney General  
of Barbados, dispute with Presi-  
dent Dottin, 335, 336.  
....., ....., opinion on Rawlin and  
Warren case, 335 p. 225.  
Blin, Peter, grant of land in Nova  
Scotia to, 384 i, ii.  
Bradford, William, Printer, New York,  
366, 386 ii.  
....., ....., document printed by,  
266.  
Bradford, William—*cont.*  
....., ....., Gazette published by,  
470 p. 347.  
....., ....., proclamation printed by,  
402 ii.  
Braithwaite, John, Councillor, South  
Carolina, appointment of, 360.  
....., ....., proposed for Council, 292.  
Brand, Captain, R.N., 329 p. 220.  
....., ....., in command of Leeward  
Island Station, 60 p. 36.  
....., ....., mission of, 406.  
Braxton, George, Councillor, Virginia,  
proposed for Council, 106.  
Bridgwater, Edward, Treasurer of  
Nevis, document signed by,  
136 v, 286 i.  
Brodbelt, John, Nevis, document  
signed by, 286 i.  
Broughton, Thomas, President of  
Council and Lieut. Governor of  
South Carolina, humble remons-  
trance of, 157.  
....., ....., instructions to, 484.  
....., ....., ....., additional, 21,  
21 i, 305, 339 i, 477 i.  
....., ....., letter from, 184 ii, 246,  
376, 381.  
....., ....., ....., copy of, 446, 446 i,  
447.  
....., ....., letter to, 62, 128, 129,  
138, 157 i, v, 173, 184, 421, 422,  
447, 484.  
Brouillan, St. Ovide de, Governor of  
Cape Breton, dispute over  
French priests in Nova Scotia,  
340, 462.  
....., ....., letter from, 462 i, iii, iv.  
....., ....., letter to, 462 ii.  
Brown, Arthur, missionary at Provi-  
dence, proposed as Chaplain in  
New Hampshire, 194.  
Bruce, James, Chief Justice of Bar-  
bados, address to, 494 v.  
Bryan, Jonathan, St. Helens, Berkley,  
Carolina, deposition of, 348 xvi.  
Buchanan, James, London merchant,  
letter to, 445.  
Buckler, Andrew, merchant, owner of  
*Baltimore* brigantine, 340.  
....., ....., fate of, 462.  
....., ....., Susannah, account of adven-  
tures of, 340, 340 i.  
....., ....., case of, 462, 462 ii.  
....., ....., character of, 462 iv.  
....., ....., deposition of, 340 i,  
462 iv.  
Buckley, William, St. Christopher,  
253 ii, v.  
Bult, Wm., Clerk of Council, South  
Carolina, document signed by,  
483 i.



- Burchett, Josiah, Secretary of the Admiralty, 168.  
 ....., letter from, 83, 440.  
 ....., letter to, 59, 60 p. 35, 193, 428.
- Burrington, George, Captain, late Governor of North Carolina, 212.  
 ....., charges against reputation of, 133, p. 78.  
 ....., commendation of, 133.  
 ....., complaints against Governor Johnston, 492.  
 ....., instructions to, 141 p. 87.  
 ....., letter from, 132/134, 151, 165, 268, 364.  
 ....., letter to, 164.  
 ....., packets of, 471 p. 351.  
 ....., papers from, 133 p. 80.  
 ....., question of Court of Exchequer, 410 p. 307.  
 ....., question of payments of quit rents, 471 p. 351.  
 ....., seal of Lords Proprietors sent home by, 451.  
 ....., terms governing lands granted by, 141 p. 85.
- Burt, William Pym, Treasurer of St. Christopher, accounts of, 42, 253, 253 i-ix.  
 ....., document signed by, 42 ii.
- Burwell, Lewis, Virginia, lands of, act concerning, 480 p. 364.  
 ....., Junior, Councillor, Virginia, proposed for Council, 106.
- Butcher, Stephen, Grand Jury Barbados, document signed by, 203.
- Butler, Thomas, Agent for the Leeward Islands, and for Nevis, document signed by, 460.  
 ....., reference to, 285.
- Butterfield, John, Councillor, Bermuda, 211.  
 ....., Nathaniel, Councillor, Bermuda, 211.
- Byam, Edward, Lieutenant Governor of Antigua and President of Council, refusal to comply with Assembly's message, 291 ii.
- Byfield, Nathaniel, Court of Enquiry into Mohegan Indian complaints, 300 ii p. 203.
- Cadonhead, John, Indian trader to Lower Creeks, deposition of, 157 viii.
- Caine, Edward, Captain, master of *Humility* ship, case of, account of, 457 i, iii.  
 ....., copies and translations of papers relating to, 468 i-vii.  
 ....., deposition of, 457 xi, xii.  
 ....., document signed by, 457 vii, xii.  
 ....., imprisoned at Port Royal, 457 iii.  
 ....., warrant for, 468 i-vii.  
 ....., letter to, 457 v.  
 ....., memorial of, 468 viii.  
 ....., orders of, 457 viii.  
 ....., petition of, 457 xiii.
- Calvert, Charles, Baron Baltimore and Governor and Proprietor of Maryland, claim to lands near the Great Mountains, Virginia, 91.  
 ....., letter from, 269.
- Campbell, Mrs. Agatha, case of, 112, 117, 195.  
 ....., John, Captain, in command of Company, Jamaica, 226.
- Caparo, Joseph Antonio, gunner of the *Jesus Maria Joseph*, deposition of, 152 vii.
- Cardross, Lord. *See* Erskine, David.
- Carkesse, Charles, Secretary to H.M. Commissioners of Customs, letter to, 437, 499.
- Caroline, Queen, Guardian of the Kingdom, document signed by (C.R., C.R., *Carolina Regina, Custos regni*), 46.  
 ....., licence granted by, 32.  
 ....., orders in Council, instructions, warrants etc. by, concerning Carolina, South, 12, 13, 121, 122, 130, 131, 359, 360.  
 ....., concerning Jamaica, 14, 15, 41.  
 ....., concerning lands in America, 16.  
 ....., concerning New Jersey, 425 i.  
 ....., concerning St. Christopher, 17, 18.  
 ....., concerning Virginia, 75, 76.  
 ....., petitions, addresses, representations to, concerning Carolina, North, 97.  
 ....., Carolina, South, 2 i, 68 i, 147 i, 505.

## C

Cabot (Cabbat), Sebastian, discovery of America by, 348 xv.

- Caroline, Queen, petitions, etc., concerning—*cont.*  
 ..... , Connecticut, 332, 332 i.  
 ..... , Georgia, 65 i.  
 ..... , Massachusetts Bay, 85, 94, 100.  
 ..... , Montserrat, 61, 412.  
 ..... , New York, 86.  
 ..... , St. Christopher, 114.  
 ..... , Virginia, 475.  
 Carr, Thomas, master of the *Jesus Maria Joseph*, claims for salvage of, 152 i, ii.  
 ..... , deposition of, 152 vi.  
 Carter, Captain, 183 p. 121.  
 ..... , Charles, Councillor, Virginia, proposed for Council, 106.  
 Carteret, Lord John, a Lord Proprietor and Palatine of South Carolina, copy of letter from, 344 i.  
 Causton, Thomas, Treasurer for Georgia and magistrate, accounts of, 348 xiv.  
 ..... , report by, on complaints from South Carolina, 376 pp. 267, 268.  
 Champigny, Marquis de, Governor General of French West Indian Islands and Governor of Martinique, correspondence of, 296 i.  
 ..... , ..... , with Governor Mathew, copies of, 460 vi.  
 ..... , ..... , letter from, 208, 275, 289, 289 ii, 290 i, 296 p. 193, 361, 494 i.  
 ..... , ..... , letters to, 183 i, 188 i, 289 iii, 290 ii, 493 i, 494 ii.  
 ..... , ..... , mission to, 183 i-iv, 188 i-iv.  
 ..... , ..... , proclamation by, 290 i.  
 ..... , ..... , question of Sta Lucia evacuation, 296, 378 ii.  
 Chapman, Sir William, Bart., petition of, dismissed, 16.  
 Charles I, King, grant of Carolina by, 348 xv.  
 ..... , settlement in Connecticut under, 300 ii p. 202.  
 Charles II, King, 391 i.  
 ..... , duties imposed by Act of Trade of, 31.  
 ..... , gift to Mohegan Indians, 300 ii, p. 202.  
 ..... , grant to Lords Proprietors of Carolina, 348 xv.  
 Chasonet, Penobscot Indian, document signed by, 365 i.  
 Chauvelin, Mons., memorial presented by, 435 ii.  
 Chavigny, Mons., French Ambassador in London, letter from, 275.  
 Cheveraux, Monsieur, a French priest in Nova Scotia, complaint against, reply to, 462 iv.  
 ..... , ..... , disturbances caused by, 340, 462.  
 ..... , ..... , ..... , at Cape Sables, 462, 462 ii, iii, iv.  
 Churchill, Armistead, Councillor, Virginia, proposed for Council, 106.  
 Clare, —, regiment of, in the Bahamas, 264 i p. 162.  
 ..... , ..... , deserters from, 276 ; and *see* Collins, George.  
 Clarke, George, Clerk and President of Council, New York, 272 ii, iii.  
 ..... , ..... , appointment to administration of Government, Mr. Van Dam's protest against, 267, 272.  
 ..... , ..... , assistance for Georgia from New York, 338.  
 ..... , ..... , charges against by Mr. Van Dam, 298, 298 i-iv.  
 ..... , ..... , Commission as Lieutenant Governor, 459.  
 ..... , ..... , commission and instructions of, 404 p. 298.  
 ..... , ..... , demand for clauses concerning suspension of Councillors, 386.  
 ..... , ..... , defence of, 386 iii.  
 ..... , ..... , difficulties in administering, 402, 404.  
 ..... , ..... , dispute with Mr. Morris, account of, 470.  
 ..... , ..... , dispute with Mr. Van Dam, 366, 402, 403, 404, 459.  
 ..... , ..... , history of, 273, 273 i, 470.  
 ..... , ..... , document delivered to, 386 i.  
 ..... , ..... , document signed by, 459 i.  
 ..... , ..... , expenses of, 334, 459, 470 p. 348.  
 ..... , ..... , instructions for, 470 pp. 346, 347, 348.  
 ..... , ..... , additional, 408 p. 302, 411.  
 ..... , ..... , ..... , 45th, 402, 404 p. 298.  
 ..... , ..... , letter from, 272, 272 v, 273, 273 i, 298, 327, 334, 338, 366, 386, 402, 402 iii, 403, 404, 408, 411, 459, 470, 476, 476 i.  
 ..... , ..... , ..... , copy of, 408 ii.  
 ..... , ..... , letter to, 272 iv, 298 i, iv.  
 ..... , ..... , magistrates appointed by, 402 viii.



- Clarke, George—*cont.*  
 ..... , ..... , proclamation by, 266,  
 338, 402 ii, 404 p. 296, 404 ii.  
 ..... , ..... , Van Dam's protest  
 concerning, 267, 272.  
 ..... , ..... , salary of, 298 p. 197,  
 470 p. 350.  
 ..... , ..... , speech of, 408 p. 302,  
 411.
- Cleave, Robert, Captain, French pro-  
 duce shipped from Newfound-  
 land by, 389 p. 278.
- Cleland, John, Charles Town, South  
 Carolina, letter from, 343.
- Clough, William, Commander of the  
*Faulconbrigg*, 482.  
 ..... , ..... , account of cargo of, in  
 the Bahamas, 432.  
 ..... , ..... , affidavit by, 482.
- Cocke, Leonard, Factor to the Royal  
 Assiento Company, Santiago de  
 Cuba, letter from, 469.
- Colden, Cadwallader, Dr., Councillor,  
 New York, letter from, quoted,  
 403.
- Colebrooke, James, brother of John,  
 letter from, 342.  
 ..... , ..... , letter to, 342 i.  
 ..... , John, Bahamas, charges  
 against Governor Fitzwilliam,  
 276.  
 ..... , ..... , deposition of, 449.  
 ..... , ..... , disturbances caused by,  
 221 p. 144, 434 ii.  
 ..... , ..... , plantation of, 342.
- Colleton, —, Councillor, Barbados, 188.  
 ..... , John, Councillor, South Caro-  
 lina, appointment of, 360.  
 ..... , ..... , proposed for Council,  
 292.
- Collins, George, Corporal in the  
 Bahamas, mutiny led by, 264 i  
 pp. 162–164.  
 ..... , ..... , ..... , account of, 276.
- Concanen, Mathew, Attorney General  
 of Jamaica, Case of Mauritius  
 Vale, 140.  
 ..... , ..... , letter from, 140.  
 ..... , ..... , recommended for  
 Council, 226.
- Coope, Richard, Agent for St. Christo-  
 pher, document signed by, 455,  
 460.  
 ..... , ..... , letter from, 37, 190, 296,  
 302.  
 ..... , ..... , ..... , copy of, 429.  
 ..... , ..... , letter to, 367.  
 ..... , ..... , meeting with Mr. Fane,  
 431.  
 ..... , ..... , observations on Secre-  
 tary's accounts, 390.  
 ..... , ..... , reference to, 285.
- Cope, Henry, Councillor, Nova Scotia,  
 grant of land to, 384 i, ii.
- Coram, Thomas, Captain, R.N., letter  
 from, 288.  
 ..... , ..... , list of Trustees for  
 settlement of Nova Scotia, 331.  
 ..... , ..... , observations on pro-  
 posals for a Civil Government  
 for Nova Scotia by, 288, 288 i.  
 ..... , ..... , reply to the Board's  
 enquiries concerning memorial  
 of, 22.
- Corbet, R., a Commissioner of H.M.  
 Customs, document signed by,  
 72.
- Corbett, Thomas, Secretary to the  
 Admiralty, letter from, 197,  
 307, 320.
- Cornbury, Lord, late Governor of New  
 York, appointed on Commission  
 of Review in case of Mohegan  
 Indians, 332 i.
- Cornwallis, Colonel, in command of  
 troops in the Bahamas, deser-  
 tion and mutiny among soldiers,  
 264 i pp. 162, 163.  
 ..... , ..... , regiment of in the  
 Bahamas, 276.
- Cortlandt, Philip, Councillor, New  
 York, 272 ii, iii.  
 ..... , ..... , certificate by, 272 vii.
- Cosby, Alexander, Major, Councillor,  
 Nova Scotia and Lieutenant  
 Governor of Annapolis Royal  
 garrison, grant of land to,  
 384 i, ii.  
 ..... , William, late Governor of New  
 York, case of Lewis Morris,  
 state of, 502.  
 ..... , ..... , charges against Morris,  
 Van Dam, and Alexander, 175.  
 ..... , ..... , Commission and instruc-  
 tions of, 95, 267, 272, 272 ii, iv,  
 273 i, 424, 425 ii, iii.  
 ..... , ..... , death of, 266, 267, 272,  
 273, 273 i, 298 viii, 299, 299 i,  
 415, 459, 470 p. 348.  
 ..... , ..... , dismissal of Chief Justice  
 Morris, 425.  
 ..... , ..... , ..... , not upheld, 177.  
 ..... , ..... , illness of, 267, 272,  
 272 vii, viii.  
 ..... , ..... , deposition con-  
 cerning, 272 i.  
 ..... , ..... , instructions, additional,  
 for, draft of, 54, 54 i.  
 ..... , ..... , ..... , 11th, 402 v,  
 404 xiv.  
 ..... , ..... , letter from, 86, 219.  
 ..... , ..... , letter to, 95, 127, 337.  
 ..... , ..... , letters of, copies asked  
 for, 175.

Cosby, William—*cont.*  
 ..... , Morris's opposition to, 424.  
 ..... , Privy Council's report on Morris's dismissal, 278.  
 ..... , scheme for settling Europeans sent home by, 366.  
 ..... , Mr. Van Dam's statement concerning health of, 267, 272.  
 ..... , deposition of doctors, 272 i.  
 ..... , Mrs., wife of Governor Cosby, 267, 272, 273, 273 i, 408 p. 302.  
 ..... , pension for, 402.  
 ..... , returns to England, 334.  
 Cottnam, Samuel, grant of land in Nova Scotia to, 384 i, ii.  
 Coverly, Nathaniel, master of sloop, dispute over cargo of, 401 p. 289.  
 Cox, Florentius, Bahamas, case against, 503 pp. 391, 392.  
 ..... , deposition of, 417, 430 i.  
 ..... , Jeffery, Deputy Doorkeeper and Messenger of Council of New York, deposition of, 298 ix, 402 v, vi, 404 xiii, xiv.  
 ..... , John, deposition of, 152 iii-v.  
 Cozens, James, trader with the Chick-saw Indians, 157 xii.  
 Craddock, George, grant of land in Nova Scotia to, 384 i, ii.  
 Cranston, —, late Governor of Rhode Island, 369 i.  
 Craven, Lord, a Lord Proprietor of South Carolina, sister of, 146 i.  
 Crawford, (Crauford), Charles, Captain R.N., Commander of H.M.S. *Roebuck*, 490 i, p. 382.  
 ..... , at Sta. Lucia, 378.  
 ..... , letter from, 378 ii.  
 ..... , letter to, 378 i.  
 ..... , papers forwarded by, 323.  
 Crimble (Crymble), Murray, a London merchant, grant of land in North Carolina to, 456.  
 ..... , petition of, 465.  
 Crokot, Captain, Carolina, proposal of, 3.  
 Cruttenden, Nathaniel, Vendue Master, South Carolina, warrant appointing, 122.  
 Cumming, Sir Alexander, in command of troops at Nanny Town, Jamaica, 226.  
 Cunningham, Henry, Governor of Jamaica, address to, 226 ii (b).  
 ..... , arrival of, 226.  
 ..... , at Nevis, 169.  
 ..... , Commission of, published, 226.

Cunningham, Henry—*cont.*  
 ..... , full powers and instructions for, 26.  
 ..... , instructions for, 226 ii.  
 ..... , additional, 1, 14, 36 i, 41, 46, 178 i.  
 ..... , draft of, 33.  
 ..... , letter from, 226  
 ..... , letter to, 215.  
 ..... , memorial of, 15.  
 ..... , speech of, 226 ii.  
 Cussins, George, trader with Lower Creek Indians, deposition of, 157 xiii.  
 Cust, Saville, Leeward Islands, letters patent for, 291.  
 ..... , memorial of, opinion upon, 481.  
 ..... , petition of, 325, 326.  
 ..... , dismissed, 312.

D

Dabron, John, deposition of, 152 iii-v.  
 Dandridge, William, Councillor, Virginia, leave of absence extended, 87.  
 ..... , warrant for, 75, 76.  
 Daniel, Henry, grant of land in Nova Scotia to, 384 i, ii.  
 Danson, John, South Carolina, grant of land to, copy of, 2 ii.  
 Dardaguiette, Diron, Governor of Moville (Mobile), letter from, 157, 157 v.  
 Darrell, John, Assistant Judge and Councillor, Bermuda, recommended for Council, 57, 211.  
 Davis, Cabot, order for support of St. Augustine Agent paid to, 348 xiv.  
 ..... , Emanuel ("Immanuel Darrell"), Bahamas, apprenticed in Charlestown, South Carolina, 454 iv.  
 ..... , Captain Symonds' attempt to secure, 454 iv.  
 ..... , Jo., North Carolina, document signed by, 141.  
 ..... , Jn., North Carolina, document signed by, 141.  
 ..... , Sib, Mrs., housekeeper to Mr. Rowlands, case of, against Captain Symonds, 454 iv.  
 ..... , deposition of, 454 v-viii.  
 Deane, Samuel, London merchant, deposition of, 255.  
 ..... , petition of, 2 i.



- Debera, Christobal, first mate in *Jesus Maria Joseph*, deposition of, 152 ix.
- De Costa, Don Pedro, seizure of *Mercury* sloop by, 221 ii, iv.
- Delafaye, Charles, Secretary to the Duke of Newcastle, letter to, 87.  
 ....., ....., papers received from, 229, 368.
- De Lancey, James, Chief Justice and Councillor New York, certificate by, 272 vii.  
 ....., ....., confirmation of appointment as Chief Justice urged, 298.
- De La Warr, Lord. *See* West, John.
- Dempsey, Charles, Captain, letter from, extract from, 348 ix, x, xi.  
 ....., ....., letter to, 348 xii, xiii.  
 ....., ....., mission to Spaniards, 348 i.  
 ....., ....., recommendation of, 348 v.
- Dent, —, Commodore, R.N., letter to, 469.
- Dentremont, Charles, Pobomeoup, N.S., deposition of, 462 iv.  
 ....., ....., examination in Council, 340 iii, 462 ii.  
 ....., ....., rescue of Mrs. Buckler by, 340.
- Derby, Earl of. *See* Stanley, Edward.
- Dickenson, James, commander of sloop *Ann*, 211.
- Dillon, James, at George Purvice, Spotsylvania, letter from, 23.
- Dodsley, Mr., Tully's Head, Pall Mall, 464.
- Dongan, Thomas, New York, Act concerning, 180.  
 ....., Walter, New York, Act concerning, 180.
- Donnell, Nathaniel, grant of land in Nova Scotia to, 384, i, ii.  
 ....., Samuel, grant of land in Nova Scotia to, 384 ii.
- Donovan, James, Bahamas, damages claimed by, 401 p. 291.
- Dottin, Abel, Councillor, Barbados, appointment of, 248.  
 ....., ....., proposed for Council, 142, 143, 183, 188, 231.  
 ....., ....., sworn in, 289, 290.  
 ....., James, President of Council, Barbados, address to, 494 iv.  
 ....., ....., commendation of, 275, 323.  
 ....., ....., dispute with Mr. Blenman, 335, 336.  
 ....., ....., document signed by, 202, 204.
- Dottin, James—*cont.*  
 ....., ....., illness of, 51.  
 ....., ....., instructions of, 335, 336.  
 ....., ....., 17th, for, 29.  
 ....., ....., relating to appeals, 399.  
 ....., ....., letter from, 51, 52, 142, 143, 183, 183 i, 188, 188 i, 289, 289 iii, 290, 291, 323, 335, 336, 378, 395, 396, 493, 493 i, 494, 494 ii.  
 ....., ....., letter to, 29, 208, 275, 289 ii, 290 i, 378 ii, 399, 494 i.
- Dowling, William, Captain, deposition of, 51, 51 i.
- Drake, Sir Francis, capture and burning of St. Augustine by, 348 xv.
- D'Tombe, Peter Jacob. *See* Wall, Dr. Miguel.
- Duce, Captain, 51.
- Dudley, Joseph, late Governor of Mass. Bay, enquiry into charges concerning Indian lands in Connecticut, 300, i, ii.  
 ....., ....., opinion on case of Mohegan Indians, 332 i.
- Duke, William, Deputy Secretary of Barbados, letter from, 183 i, iv, 188 ii, iii, 378 i.  
 ....., ....., letter to, 183 iii, 188 iv.
- Dunbar, Charles, Surveyor General of H.M. Customs in Barbados, Bermuda, and the Leeward Islands, appointment as Councillor of Barbados, 183, 188.  
 ....., ....., appointment as Councillor Extraordinary in Bermuda, 210.  
 ....., ....., appointment as Councillor of Montserrat and Nevis, 329 p. 220, 406.  
 ....., ....., mandamus for filling vacancies in Councils in each island, 168.  
 ....., David, Colonel, Surveyor General of H.M. Woods in America and Lieut. Governor of New Hampshire, 354.  
 ....., ....., certificate by, 413 ii.  
 ....., ....., commission of, 387.  
 ....., ....., dispute with Governor Belcher, 100 p. 56, 194, 321, 501.  
 ....., ....., account of, 387.  
 ....., ....., letter from, 96, 194.  
 ....., ....., letter to, 127.  
 ....., ....., petition to, 413.  
 ....., ....., refusal of admittance to Fort William and Mary, 387.  
 ....., ....., settlements of order to quit, 355.  
 ....., ....., withdrawal from Pemaquid, 375 ii (f).

Durelly, Captain, 352.

Dyre, William, Justice of the Peace,  
Rhode Island, 457 x.

Dyson, John, grant of land in Nova  
Scotia to, 384 i, ii.

E

Eden, Charles, late Governor of North  
Carolina, purchase warrants for  
lands issued by, 132.

....., question of blank patents  
issued by, 141 p. 86.

Edlington, John, Surveyor General of  
Barbados, certificate concern-  
ing, 479 iii.

....., commission appointing,  
443, 479 i.

....., validity of, in  
question, 485.

....., objections to Act on  
survey of land, 479.

....., petition of, 443.

Edwards, William, servant of Alex-  
ander Wood, deposition of,  
157 xi.

....., treatment of, 157 vii.

Egmont, Earl of. *See* Perceval,  
John.

Elizabeth, Queen, attack on Spaniards  
by Sir Francis Drake, 348 xv.

Elton, Sir Abraham, Bristol, memorial  
received from, 495, 496.

Ely, Gersham, Colonel, Jamaica, party  
fitted out by, in Jamaica, 73.

....., recommended for Coun-  
cil, 226.

Erskine, David, Lord Cardross and  
Earl of Buchan, settlement at  
Port Royal, 348 xv.

Espagnet, Colonel, at Conference with  
Penobscot Indians, 365 ii.

Esten, Benjamin, blacksmith, Nassau,  
charge of arson against, 454  
ii.

....., escape of, from the  
Bahamas, in H.M.S. *Shark*,  
454 ii.

Evans (Eyans), —, North Carolina,  
161.

....., Richard, Councillor, North  
Carolina, absentee, 97.

Everard, Sir Richard, late Governor of  
North Carolina, blank patents,  
list of, 151.

....., purchase warrants for  
lands issued by, 132.

F

Facey, John, trader with Indian  
Chicksaws, 157 xii.

Fairechild, Major, capture of sloop  
owned by, 290 ii.

Fairfax, B., a Commissioner of H.M.  
Customs, document signed by,  
72.

....., Thomas, Lord Fairfax of  
Cameron, claim to lands near  
the Great Mountains, Virginia,  
91.

....., Commissioners to settle  
boundaries of, 357.

....., settlement of, 158,  
159, 409.

....., validity of grant  
of, 480 p. 363.

....., survey and settlement of  
boundaries of land granted to,  
274.

Fane, Francis, legal adviser to Council  
of Trade and Plantations, Ber-  
muda Act sent to, 57.

....., bill for Jamaica pre-  
pared by, 19, 19 ii.

....., conference with, 294.

....., letter from, 123, 124,  
171, 200, 227, 228, 319, 431,  
472, 478, 479.

....., letter to, 47, 48, 53, 66,  
70, 78, 111, 162, 189, 205, 206,  
207, 213, 220, 243, 393, 398,  
407, 414, 429, 436, 467, 485,  
497.

....., opinion by, 54, 64, 90,  
91, 95, 154, 240, 481.

Farmer, Thomas, Councillor, New  
Jersey, admitted to Council,  
284, 424.

....., document signed by,  
425 iii.

....., recommended for Coun-  
cil, 415.

Fauchier, Mons., agreement for pur-  
chase of *Fleurion* and cargo by,  
460 iii.

....., complaint of, 460 iv.

Felton, John, tutor, New York, deposi-  
tion of, 272 viii.

....., letter from, 267.

Fenton, Randel, Councillor, Mont-  
serrat, proposed for Council,  
412.

Fisher, Nicholas, Agent of Captain  
Mackay, 157 ix.

Fitzgerald, Sir Thomas, representative  
for Spanish affairs in England,  
letter from, 348 i, vi.

Fitzhugh, Henry, Councillor, Virginia,  
proposed for Council, 106.



- Fitzwalter, Earl of. *See* Mildmay, Benjamin.
- Fitzwilliam, R., Governor of the Bahamas, address to, 434 ii.
- ....., agent for, 221 p. 143.
- ....., alleged attack on Mr. Jackson, 401 pp. 289, 290.
- ....., charges brought against, by inhabitants of the Bahamas, 503.
- ....., charges against, by Mr. Jackson, 401, 417, 430, 482.
- ....., deposition in support of, 449.
- ....., examination of witnesses in South Carolina, 484.
- ....., refutation of, 434, 434 i, ii.
- ....., reply to, 432, 434, 434 i, ii.
- ....., Mr. Colebrooke's charges against, 276.
- ....., commendation of, 69 i.
- ....., conduct of, 401.
- ....., document signed by, 221 ii, viii, 264 iv.
- ....., goods for, 394.
- ....., instructions of, 40th, 55.
- ....., letter from, 79, 221, 221 iv, vi, vii, 222, 264, 264 i, ii, iii, 276, 277, 279, 427, 428, 454.
- ....., duplicate of, 221 i.
- ....., extract of, 346, 347, 439.
- ....., letter to, 55, 127, 221 v, 452.
- ....., losses sustained by, 264 i p. 165.
- ....., papers sent to, memorandum of, 453.
- ....., report on fortifications and stores, representation upon, 107.
- ....., trading in goods and provisions, charges concerning, 449, 503.
- ....., refuted, 432.
- Forbes, —, Provost Marshal of Jamaica, remarks by, on difficulties imposed on account of Provost Marshall's bill, 200, 200 i.
- ....., George, Earl of Granard, a Trustee for the settlement of Nova Scotia, 331.
- ....., William, Councillor, North Carolina, appointment of, 161.
- ....., proposed for Council, 97.
- ....., recommended for Council, 104.
- Forrest, John, grant of land in Nova Scotia to, 384 i.
- Forster, George, Grand Jury, Barbados, document signed by, 203.
- Foster, Robert, Major, Deputy Secretary of North Carolina, blank patents written by, 151.
- Fox, Joseph, Clerk of Naval Office, South Carolina, death of, 121.
- ....., letter to, 343.
- Francklin, Jona., Grand Jury, Barbados, document signed by, 203.
- Frank, Mansell, Deputy Secretary of St. Christopher, document signed by, 136 vi.
- Frederick, Prince of Wales, marriage of, 459.
- ....., address of congratulations, from Barbados, 494 iii.
- ....., from South Carolina, 504, 505.
- ....., from New York, 459 i.
- French, Les., Clerk of Council, Montserrat, document signed by, 40 i.
- Frost, —, Massachusetts Bay, case of, 354.
- ....., P. Simon, Deputy Secretary, Massachusetts Bay, document signed by, 365 ii, 375 ii (*g*).
- ....., papers examined by, 375 ii, p. 261.
- Frye, William, Councillor, Montserrat, death of, 329 p. 220, 406.
- Fury (Furye), Perage, Agent for South Carolina, 21.
- ....., letter from, 39, 167.
- ....., letter to, 39 i.
- ....., papers received from, 147.
- Fytche, Captain, R.N., Commander of H.M.S. *Sheerness*, reply to Heads of Enquiry by, 9.

## G

- Gellibrand, Samuel, Deputy for Mr. Popple, letter from, 220.
- George II, King, in Council, addresses, appeals, petitions, memorials, representations to, concerning: Bahamas, 69 i.
- Barbados, 202, 203, 204, 231, 237, 491, 494 iii.

- George II, king, in Council—*cont.*  
 Carolina, North, 241 i, 301.  
 Carolina, South, 7 i, 146 i, 292,  
 373 p. 263, 483 i, 504.  
 Form of prayers in the Planta-  
 tions, 304.  
*Fortune and Fleuron*, case of,  
 490, 490 i.  
 Georgia, 196 i, 348 xv.  
*Humility* ship, 457 iii.  
 Jamaica, 4, 67 i, 148 i, 155.  
 Leeward Islands, 312, 481.  
 Mohegan Indians, 259 i, 300 ii.  
 New Jersey, 153, 154.  
 New York, 459 i.  
 Rhode Island, 369 i.  
 St. Christopher, 489.  
 Virginia, 23, 250.
- George II, King, in Council, orders,  
 commissions, instructions, pro-  
 clamations, references, warrants  
 by, concerning :—  
 Barbados, 248, 261.  
 Carolina, North, 161.  
 Carolina, South, 262.  
 Massachusetts Bay, 249.  
 Montserrat, 160.  
 New York, 177.  
 Pennsylvania, 310.  
 Virginia, 263.
- Geraldino, Thomas, Agent for the  
 King of Spain, letter from, 391,  
 391 i, 392.  
 . . . . ., . . . . ., memorial of, 416, 421,  
 422.
- Gibbons, W., Speaker of Assembly,  
 Barbados, document signed by,  
 204.
- Gibson, James, grant of land in Nova  
 Scotia to, 384 i, ii.
- Gilbert, Lieutenant Colonel, in com-  
 mand of militia in Antigua, 329  
 p. 220.
- Gledhill, —, Newfoundland, 119 i  
 (7).
- Godin, Benjamin, Indian trader in  
 South Carolina, document signed  
 by, 157 vi.
- Gollop, John, Councillor, Barbados,  
 document signed by, 335 i.
- Gooch, William, Lieutenant Governor  
 of Virginia, address to, 380 i,  
 ii.  
 . . . . ., . . . . ., reply to, 380 i  
 (b).  
 . . . . ., . . . . ., document certified by,  
 159 i.  
 . . . . ., . . . . ., document signed by,  
 106, 383 i, 480 i.  
 . . . . ., . . . . ., instructions, additional,  
 concerning Surveyor General of  
 Customs, 30.
- Gooch, William—*cont.*  
 . . . . ., . . . . ., letter from, 28, 28 i, 30,  
 31, 158, 159, 176, 308, 357, 380,  
 383, 480.  
 . . . . ., . . . . ., letter to, 91, 127, 216,  
 274, 409.  
 . . . . ., . . . . ., proclamation signed by,  
 28 iii, 480 ii, iii.  
 . . . . ., . . . . ., queries for, 91.  
 . . . . ., . . . . ., speech of, 380, 380 iii.
- Gordon, Patrick, Deputy Lieutenant  
 Governor of Pennsylvania,  
 death of, 371.  
 . . . . ., . . . . ., letter from, 120.  
 . . . . ., . . . . ., letter to, 127.
- Gorges, Sir Ferdinando, property in  
 Massachusetts Bay, 113.
- Goudet, Peter, Bahamas, 401 p.  
 289.  
 . . . . ., . . . . ., case of John Lusher,  
 503 p. 391.
- Gould, King, grant of land in Nova  
 Scotia to, 384 i, ii.
- Goulding, Elf., Grand Jury Barbados,  
 document signed by, 203.
- Granard, Earl of. *See* Forbes, George.
- Graves, Samuel, Kingstown, N.H.,  
 deposition of, 413 i.  
 . . . . ., . . . . ., land of, suit concerning,  
 413.  
 . . . . ., . . . . ., petition of, 413, 413  
 ii.
- Gray, Galfridas, letter from, 382.
- Gregory, James, Puisne Judge of St.  
 Christopher, appointment of,  
 350.  
 . . . . ., John, President of Council,  
 Jamaica, letter from, 125.  
 . . . . ., Matthew, Councillor, Jamaica,  
 proposed for Council, 125.
- Grimes, John, mariner in sloop *Mer-  
 cury*, deposition of, 221 ii.
- Grymes, John, Receiver General, Vir-  
 ginia, document signed by, 28 ii,  
 159 i, 383 i, 480 i.
- Gulston, Joseph, contract for New  
 England masts for H.M. Navy,  
 35.  
 . . . . ., . . . . ., letter to, 354.  
 . . . . ., . . . . ., licence to fell trees in  
 New England, 32.  
 . . . . ., Ralph, Contractor for masts  
 for H.M. Navy, contract for  
 New England masts for H.M.  
 Navy, 35.  
 . . . . ., . . . . ., letter to, 354.  
 . . . . ., . . . . ., licence to fell trees in  
 New England, 32.
- Gyles, Captain, mission on behalf of  
 Penobscot Indians, 365 i.  
 . . . . ., . . . . ., instructions for,  
 375 ii (a).



## H

- Haberling, Jacob, Lord of Mauve, Switzerland, deputation from, 238 i.  
 . . . . ., John Ulrick, Lord of Mauve, Switzerland, deputation from, 238 i.  
 Haberling de Schenenberg, Joachim Laurent, Lord of Heffenhoffen and Moos, Switzerland, deputation from, 238 i.  
 Haggatt, Othniel, Councillor, Barbados, death of, 183 p. 122, 188.  
 Hale, William, Councillor, Bahamas, 55, 221.  
 Hall, Benjamin, Clerk of Grand Jury, Barbados, document signed by, 494 iii, iv, v.  
 Hallam, Nicholas, Connecticut, memorial from Oweneco presented by, 332 i.  
 . . . . ., . . . . ., affidavit of, 332 i p. 222.  
 Hamilton, James, Baron Claneboye and Viscount Limerick, kinsmen of, in New York, 180; *and see* Dongan.  
 . . . . ., John, President of Council, New Jersey, devolution of Government on, 284.  
 . . . . ., . . . . ., dispute with Colonel Morris, 424, 425, 425 ii, iii.  
 . . . . ., . . . . ., grant of land in Nova Scotia to, 384 i, ii.  
 . . . . ., . . . . ., letter from, 284, 424, 458.  
 . . . . ., . . . . ., letter to, 415.  
 . . . . ., . . . . ., proclamation for apprehension of Lewis Morris by, 458.  
 . . . . ., . . . . ., report to, 425 iii.  
 . . . . ., Otto, Councillor and Secretary of Nova Scotia, document signed by, 462 ii.  
 . . . . ., . . . . ., grant of land to, 384 i, ii.  
 Hammerton, John, Receiver General and Secretary of North Carolina, complaint against, by Governor Johnston, 20, 192.  
 Handfield, John, grant of land in Nova Scotia to, 384 i, ii.  
 Hanmer, Daniel, Colonel, late Chief Justice of North Carolina, case of, 133 p. 78.  
 Hardouins, James, (Hardorine), Captain in command of French ship *Fortune*, 435 i.  
 . . . . ., . . . . ., security for release of *Fortune* given by, 490 i, p. 379.  
 Harrison, Benjamin, Councillor, Virginia, proposed for Council, 106.  
 . . . . ., Francis, Councillor, New York, charges against, 86.  
 Harrison—*cont.*  
 . . . . ., Thomas, Councillor, Barbados, recommended for Council, 395, 396, 493, 494.  
 Hart, John, late Governor of the Leeward Islands, action taken by, in murder case at Spanish Town, 406.  
 . . . . ., . . . . ., grant of land in Nova Scotia, 112.  
 . . . . ., . . . . ., . . . . ., charges against Lieutenant Governor concerning, 116.  
 . . . . ., . . . . ., . . . . ., patent for settlement on, 199.  
 Hay, Colonel, regiment of, in Jamaica, 73.  
 Hayman, William, Councillor, Jamaica, death of, 226.  
 Hazard, George, Deputy Governor of Rhode Island, 280.  
 Henderson, James, physician, New York, deposition of, 272 i.  
 Henery, Edward, Grand Jury, Barbados, document signed by, 203.  
 Henguid, Lewis, Penobscot Indian, document signed by, 365 i.  
 Henry VII, King, discovery of America by Sebastian Cabot (Cabbat), 348 xv.  
 Herbert, Captain, R.N., in command of H.M.S. *Diamond*, 183 ii, iii.  
 Hilton, Captain, Commander of sloop for Carolina, South, 401p. 291.  
 Hodges, Anthony, Councillor, Montserrat, in England, 60 p. 35, 412.  
 Hodgson, William, a Landgrave and Cassique, of South Carolina, baronies granted to, 146 i.  
 . . . . ., . . . . ., copy of grant to, 146 ii, 174 i.  
 . . . . ., . . . . ., petition of, 146 i, 174.  
 Holloway, Jon., Grand Jury, Barbados, document signed by, 203.  
 Holmes, David, Boatman of Skidoway, Georgia, deposition of, 348 xvii.  
 Hooper, Robert Lettice, Councillor, New Jersey, recommended for Council, 86, 415, 424.  
 Horne, Edward, Puisne Judge of Antigua, appointment of, 361.  
 Horsey, Samuel, Colonel, a Landgrave of South Carolina, grant of 48,000 acres to, 12.  
 . . . . ., . . . . ., petition of, granted, 12.  
 Horsmanden, Daniel, Councillor, New York, 272 ii, iii.  
 . . . . ., . . . . ., certificate by, 272 vii.  
 Horton, William, Frederica, Georgia, deposition of, 348 xviii.

- How, Edward, Councillor, Nova Scotia, 384.  
 ..... , grant of land to, 384 i.  
 Howe, Emanuel Scrope, 2nd Viscount, Governor of Barbados, arrival of, 290 i, ii.  
 ..... , commission of, 479 i.  
 ..... , death of, 51, 275.  
 ..... , debts of, money raised for payment of, 51.  
 ..... , instructions of, Commission of Bishop of London omitted from, 38.  
 ..... , proclamation by, 290 i.  
 ..... , representation from, on 5 Acts to be repealed, 29.  
 ..... , salary of, 142 ii.  
 ..... , wife of, 51.  
 ..... , Act concerning, 213, 275.  
 ..... , confirmation of, 399.  
 Howell, John, Justice of the Peace and President of Council, Bahamas, 221.  
 ..... , document signed by, 69 i.  
 ..... , warrant for securing Davis, refused by, 454 iv.  
 ..... , Mary, widow, Jamaica, Act concerning, 70, 124.  
 ..... , Samuel, estate of, 70, 124.  
 Hucks, —, Agent for Georgia, 196.  
 Huey, James, London merchant, grant of lands to, 388, 388 i, 456.  
 ..... , letter from, 388, 388 i.  
 ..... , memorandum of, 456.  
 ..... , petition of, 456, 465.  
 Hunt, Richard, Councillor, Bermuda, recommended for Council, 57, 211.  
 Hunter, Robert, late Governor of Jamaica, instructions of, 140.  
 Hurst, —, Lieutenant in Bahamas Independent Company, death of, 264 i, p. 165.  
 ..... , Acklom, Councillor, Bahamas, death of, 55.  
 Hyrne, Edward, North Carolina, document signed by, 141.
- I
- INDIANS: *and see under Separate Colonies.*  
 ..... , Apalachee, attack by British and Creek Indians upon, 348 xv, p. 241.
- Indians, Apalachee—*cont.*  
 ..... , fort built in country of, 391 i.  
 ..... , towns of, annexed by Spaniards, 348 xiii.  
 ..... , Apalachicola, 391 i.  
 ..... , Cherokee, trade with, 483 i, p. 371.  
 ..... , Treaty of Peace and Commerce with, 376 p. 264.  
 ..... , terms of, 483 i, p. 371; *and see under* Carolina, South.  
 ..... , Chicksaw, French attack upon, 349, 381.  
 ..... , traders with, 157 vii, xii.  
 ..... , Chocktaws, traders with, 157 vii.  
 ..... , Coweta, 391 i.  
 ..... , charges against British traders with, 157 ii, iii.  
 ..... , march against Spaniards, 348 xii.  
 ..... , revolt against Spaniards, 348 xii, xiii.  
 ..... , trade and traders with, 157, ii, iv.  
 ..... , Creek, Captain of expedition against Spaniards. *See* Talofilleche.  
 ..... , complaint of traders to, 157.  
 ..... , friendship with Britain, 348 xii.  
 ..... , garrison in country of, 348 xii.  
 ..... , in Georgia, 348 i p. 235.  
 ..... , lands of, granted under Treaty to Mr. Oglethorpe, 348 xv.  
 ..... , march to boundaries with Mr. Oglethorpe, 349; *and see under* Carolina, South.  
 ..... , on St. John's River, 348 xv.  
 ..... , trade with, 483 i p. 371.  
 ..... , Upper and Lower, revolt against Spaniards, 348 xii, xiii.  
 ..... , traders with, alleged interference with, 157, 157 i-xiii; *and see* Mackay, Captain.  
 ..... , treaty made by Governor Johnson with, 483 i, p. 371.  
 ..... , Cussebays, march against Spaniards, 348 xii.  
 ..... , French relations with, in Nova Scotia, 22 p. 15.



Indians—*cont.*

- ....., good relations with essential, 483 i, p. 371.
- ....., Illinois, join French on Mississippi River, 381.
- ....., Mohegan, 300 i, ii, 318; *and see under Connecticut.*
- ....., Chief Sachem of. *See* Mahomet; Oweneco; Unchas.
- ....., memorial from, 259, 259 i.
- ....., Narraganset, 300 ii; *and see under Connecticut.*
- ....., Ofuskee nation, Talapouchee, meeting with Captain Mackay, 157 v, vii.
- ....., Pallachocolas, march against Spaniards, 348 xii.
- ....., Penobscot, account of negotiations with Mr. Waldo, 365 i; *and see under Massachusetts Bay.*
- ....., conference with Governor Belcher, account of, 365, 365 i, ii.
- ....., grievances of, hearing of, 365 i, ii.
- ....., letter from, 365 i.
- ....., Peguot, 300 ii; *and see under Connecticut.*
- ....., status of, in American Colonies, 376 p. 264.
- ....., Talapoochee, 391 i.
- ....., charges against British traders with, 157 ii, iii.
- ....., charges against Spaniards, 348 xii.
- ....., complaint against from Spanish, 348 vii.
- ....., traders with, 157 ii.
- ....., Tallascoes, 157 ix.
- ....., trade of, 376 p. 264.
- ....., Uchees, 391 i.
- ....., complaint against, by Spaniards, 348 vii.
- ....., fort built in country of, complaint concerning, 348 iii, vii, xi, xii; *and see Oglethorpe, James; Sanchez.*
- ....., Upper Creek, Cahabawatchee Town, 157 ix.
- ....., Yamacraw, King of. *See* Tomachichee Mico.
- Innes, James, Councillor, North Carolina, appointment of, 161.
- ....., proposed for Council, 97.
- ....., recommended for Council, 104.
- Izard, Ralph, Councillor, South Carolina, refusal to serve, 292.
- ....., removal from Council, 360.

## J

- Jackman, Phil., Grand Jury, Barbados, document signed by, 203.
- Jackson, Chaloner, Collector of H.M. Customs at Providence Island and Councillor in the Bahamas, charges against Governor Fitzwilliam, made by, 401, 417, 430, 434, 452, 482.
- ....., deposition supporting, 449.
- ....., examination of witnesses, 484.
- ....., flight from Bahamas, 401 p. 292.
- ....., letter from, 417.
- ....., memorial of, 452.
- ....., petition of, 401, 417, 430, 482.
- ....., depositions supporting, 417, 430 i-iii.
- ....., refusal to act, 55.
- ....., seizure of woollen goods by, 432.
- ....., sworn in, 221.
- ....., wife of, Governor's treatment of, 432.
- ....., death of, 401 pp. 290, 292.
- Jacobs, Haerpert, mariner, Albany, deposition of, 181, 181 i.
- Jefferis, Richd., Bristol merchant, document signed by, 7 i.
- Jencks, Joseph, late Governor of Rhode Island, 369 i p. 255.
- Jenner, Samuel, Agent for Swiss Settlers in the Plantations, deputation to, 238 i.
- ....., letter from, 238, 239, 252.
- ....., memorial from, 270, 301.
- ....., scheme for settling Swiss Protestants in North Carolina, 238, 252.
- ....., account of fees for laying out land for, 244.
- ....., petition concerning, 268.
- Jennings, John, Councillor, Bermuda, death of, 211.
- ....., Richard, Councillor, Bermuda, 211.
- Jenys, Paul, Speaker of Assembly, South Carolina, document signed by, 483 i.
- ....., letter to, 376 p. 265.
- Joba, Penobscot Indian, (Bemmora-wadd), document signed by, 365 i.
- ....., Speaker for Penobscots, 365 ii, 375 ii (d).

Johnson, —, Councillor, New Jersey, removal from office, 415.  
 ..... John, mate of *Benjamin brigantine*, deposition of, 394.  
 ..... Lewis, physician, New York, deposition of, 272 i.  
 ..... Robert, Governor of South Carolina, 146 i.  
 ..... agreement with London merchants, 7, 7 i.  
 ..... Mr. Badenhop appointed *Vendu Master* by, 145.  
 ..... Commission and instructions for Capt. Mackay, from, 184.  
 ..... death of, 128.  
 ..... instructions of, 339 i.  
 ..... 20th article of, 21 i.  
 ..... 43rd, 45.  
 ..... letter to, 157 ii, iii.  
 ..... reply to queries, 7.  
 ..... treaty with Upper and Lower Creek made by, 483 i, p. 371.  
 Johnston, Gabriel, Governor of North Carolina, address to, 133.  
 ..... difficulties in administration, 410 p. 307.  
 ..... instructions of, 465.  
 ..... letter from, 20, 89, 191, 192, 410, 471.  
 ..... letter to, 104, 127, 212, 271, 451, 492.  
 ..... proclamation by, 410 p. 307.  
 ..... concerning blank patents, 141 p. 86.  
 ..... request for withdrawal of, 133 p. 80.  
 ..... queries for, 104.  
 ..... statement of case of blank patents, 132.  
 Jones, Francis, Councillor, Bermuda, in England, 211.  
 ..... (Johns), Thomas, Indian trader with licence from S. Carolina, deposition of, 157 x.  
 ..... letter to, 157 iv.  
 ..... Thos., North Carolina, document signed by, 141.

K

Kay, —, Agent for Rhode Island, letter to, 187.  
 Keith, Sir William, application for appointment as Lieutenant Governor of New Jersey, 299.

Keith, Sir William—*cont.*  
 ..... letter from, 299.  
 ..... letter to, 299 i.  
 Keller, Captain, papers forwarded by, 330.  
 Kelly, James, Placentia, charge of murder against, 389 p. 278.  
 Kendall, Colonel, late Governor of Barbados, Commission issued by, 479 ii.  
 Kennedy, Archibald, Councillor, New York, 272 ii, iii.  
 ..... certificate by, 272 vii.  
 Keowin, John, Clerk of the Court, Bahamas, case against, 503 pp. 391, 392.  
 ..... damages claimed by, 401 p. 290.  
 Kerfbyl, Catherina, New York, deposition of, 181, 181 ii.  
 Kettihone, Darby, Boatman of Skidoway, Georgia, deposition of, 348 xvii.  
 Killhown, William, trader with the Chicksaw Indians, 157 xii.  
 King, —, of Brampton Park, vines for Virginia from, 28.  
 Knight, —, late Secretary of North Carolina, 141 p. 86.

L

L'Accadie, —, a French priest, 462 iii.  
 Lake, Sir Bibe, petition of, 375 ii (f).  
 Lambe, James, Bristol merchant, document signed by, 7 i.  
 La Motte, —, Governor of Sta Cruz, and late Governor of St. Thomas, intrigues with soldiers in the Leeward Islands, 329 p. 220.  
 Landry, Peter, Pobomscoys, Nova Scotia, examination in Council on case of Mr. Buckler, 340 v.  
 Lane, Henry, Councillor, New York, 272 ii, iii.  
 ..... certificate by, 272 vii.  
 ..... Walter, North Carolina, 133 p. 78.  
 Lascelles, —, Contractor for H.M. troops, 264 i p. 166.  
 Latter, John, boatman of Skidoway, Georgia, deposition of, 348 xvii.  
 Lawford, Samuel, member of Assembly Bahamas, 503 p. 390.  
 ..... case of, 79, 401 p. 288, 454 p. 329, 503 p. 391.  
 ..... dismissed from Assembly, 401 p. 289.



- Lawford, Samuel—*cont.*  
 ..... , ..... , imprisonment of, 401 p. 288.  
 ..... , ..... , master of the sloop *Mercury*, deposition of, 221 ii, iii, vi.  
 ..... , ..... , seizure of *Mercury* by Spaniards, 221 ii–vii.  
 ..... , ..... , treatment of by Spaniards, 221 iii, iv, 222.
- Lee, Benjamin, trader to New Spain, 71.  
 ..... , Fitzroy Henry, Captain, R.N., in command of H.M.S. *Falkland*, and Governor of Newfoundland, answers to articles of instruction for, 389 pp. 278–281.  
 ..... , ..... , commission of, 119 i (1), (12), 324.  
 ..... , ..... , Heads of Enquiry for, extract from reply to, 201 i, ii.  
 ..... , ..... , ..... , reply to, 119 i.  
 ..... , ..... , instructions for, 324.  
 ..... , ..... , letter from, 119, 389.  
 ..... , ..... , letter to, 324.
- Le Grand, Monsieur, French Commandant at Dominico, Commission of, 361.  
 ..... , ..... , letter to, 361.
- Leheup, Peter, Agent for Virginia, letter to, 403.  
 ..... , ..... , papers received from, 106.
- Leighton, —, Massachusetts Bay, case of, 354.
- Le Roy, Anthony, master of the *Mareschal d'Asfeldt*, treatment of, 152.
- Leveret, Thomas, grant of lands at St. George's River to, 375 ii (f).
- Levimore, —, Renouse, Newfoundland, murder of, 389 p. 278.
- Lewis, John, Councillor, Virginia, proposed for Council, 106.  
 ..... , Lodwick, New York, death of in Jamaica, 181, 181 i.  
 ..... , Thomas, New York, descendants of, 181 i–iv.  
 ..... , ..... , estate of, Act concerning, 181.
- Licka, —, murder of Spaniard in Georgia by, 184.
- Lilly, Christian, Colonel, H.M. Chief Engineer, Jamaica, plans for barracks prepared by, 5, 6 i.
- Limerick, Earl of. *See* Hamilton, James.
- Little, William, late Attorney General, Receiver General and Chief Justice of North Carolina, accounts of, 410.  
 ..... , ..... , blank patents in custody of, 151.  
 ..... , ..... , day book of, 212.
- Livingstone, Peter van Brugh, New York, affidavit sworn by, 267 i.  
 ..... , ..... , support of Mr. Van Dam's claims, 267.  
 ..... , Robert, Junior, New York, affidavit sworn by, 267, 267 i.  
 ..... , ..... , support of Mr. Van Dam's claim, 267.
- Logan, James, President of Council of Pennsylvania, administration devolves upon, 371.  
 ..... , ..... , letter from, 371, 372.
- Lord Chief Justice (late H.M. Attorney General), draft of patent for North Carolina lands from, 471 p. 351.
- Lorey, Thomas, Councillor Bahamas, 55.  
 ..... , ..... , sworn in, 221.
- Loron, Penobscot Indian, document signed by, 365 i.
- Losack, James, Clerk of Assembly, St. Christopher, document signed by, 247 i, 464 i.
- Louis XV, King of France, Edict of (1727), 296, 296 i, 431, 460, 473, 474.  
 ..... , ..... , articles of, explanation of, 490 i, pp. 380, 381.  
 ..... , ..... , copy of, required, 461.  
 ..... , ..... , criticism of, 474.  
 ..... , ..... , effect of, 490 i.  
 ..... , ..... , memorial against, 495, 496.  
 ..... , ..... , printed copy of, 488, 488 i.  
 ..... , ..... , suspension of, proposed, 460, 490 i, p. 382.  
 ..... , ..... , translation of, 429.  
 ..... , ..... , order in Council by, 457 xiii.
- Lovick, John, Secretary of North Carolina, 151.
- Lucas, George, Councillor, St. Kitts, dissent of, 93 i.  
 ..... , ..... , Councillor Antigua, protest by, 247 ii.
- Lusher, John, shipwright in the Bahamas, case against, 503 p. 391.

## M

- McCall, George, Pennsylvania, Act concerning, 198, 220, 227, 310.
- McCulloh, Henry, merchant of London, petition of, 241 i.  
 ..... , ..... , ..... , report upon, 260.

- McCulloh, Henry—*cont.*  
 ..... , ..... , proposal to settle lands  
 in North Carolina, 241 i.  
 ..... , ..... , details of, 251.
- Mackay, Patrick, Captain, Agent for  
 Indian Affairs in Georgia, Com-  
 mission and instructions for,  
 from South Carolina and  
 Georgia, 157 viii, 184.  
 ..... , ..... , complaint concerning  
 conduct of, 157, 157 i-iii, v,  
 xiii, 184, 376 p. 263.  
 ..... , ..... , dismissal of, 376 p.  
 262.  
 ..... , ..... , letter from, 157 iv.  
 ..... , ..... , letter to, 184 i.  
 ..... , ..... , meeting with Indian  
 traders, 157 viii, ix.  
 ..... , ..... , meeting with Indians,  
 157 v, vii.
- Mackey, William, freehold of North  
 Carolina, 133 p. 80.
- McMullin, William, trader with the  
 Chicksaw Indians, deposition of,  
 157 xii.
- Macpherson, Alexander, Captain,  
 master of *Scipio* ship, case of,  
 494 i, ii.  
 ..... , ..... , letter from, 445  
 ..... , ..... , ship seized by French at  
 Martinique, 445.
- Macqueen, Donald, grant of land in  
 Nova Scotia to, 384 i, ii.
- Maduras, Joseph, Curacao, *Mercury*  
 cargo consigned to, 221 ii.
- Mahomet, Chief Sachem of Mohegan  
 Indians, complaint by, concern-  
 ing Indian lands in Connecticut,  
 300 i, ii.  
 ..... , ..... , memorial from, 259, 259 i.  
 ..... , ..... , petition of, 300 ii, 318.  
 ..... , ..... , visits England, 300 i, ii, 318,  
 332 i.
- Marshall, —, Lieutenant in Bahamas,  
 Independent Company, 264 p.  
 165.
- Martin, James, Public Notary of Rhode  
 Island, protest made by, 457 xi.
- Martyn, Benjamin, Secretary of the  
 Trustees for Georgia, document  
 signed by, 65 i.  
 ..... , ..... , letter from, 184, 184 i,  
 487.  
 ..... , ..... , letter to, 486.
- Mascarene, Paul, Major, of Col.  
 Philipps' regiment, and Council-  
 lor Nova Scotia, appointment  
 as Boundary Commissioner  
 objected to, 426.  
 ..... , ..... , appointed Commandant  
 at Canso, 117.  
 ..... , ..... , grant of land to, 384 i, ii.
- Mascarene, Paul—*cont.*  
 ..... , ..... , proposed as Engineer for  
 Massachusetts Bay, 85, 100  
 p. 55.
- Mason, John, Captain, of New London,  
 Connecticut, appointment as  
 Trustee and Guardian of Mohe-  
 gan Indians, 318.  
 ..... , ..... , deposition of, 318.  
 ..... , ..... , evidence in case of  
 Mohegans, 332 i.  
 ..... , ..... , leads expedition against  
 unfriendly Indians, 300 ii p. 202.  
 ..... , Samuel, son of above, deposi-  
 tion of, 318.
- Massey, Captain, in command of St.  
 Simon's Fort, 421.
- Mathew, William, Lieutenant General  
 and Governor of the Leeward  
 Islands, 51.  
 ..... , ..... , approval of, 168, 190,  
 296 p. 195.  
 ..... , ..... , case of French ships  
 seized by, 490 i; and see  
*Fleurion*; *Fortune*.  
 ..... , ..... , commission of, 296  
 p. 193.  
 ..... , ..... , clause empowering  
 establishment of legislatures in  
 Virgin Islands, 168, 406.  
 ..... , ..... , copies of, 168.  
 ..... , ..... , complaint against Wavell  
 Smith, 56, 464.  
 ..... , ..... , conduct of, papers in  
 justification of, 460, 460 i-vi.  
 ..... , ..... , correspondence on Treaty  
 of Peace and Commerce, 296 i.  
 ..... , ..... , copies of, 460 vi.  
 ..... , ..... , difficulty in getting a  
 quorum for Montserrat Council,  
 412.  
 ..... , ..... , French ships seized by,  
 435, 457 i; and see *Fleurion*;  
*Fortune*.  
 ..... , ..... , instructions of, 296,  
 296 i, 406.  
 ..... , ..... , additional, 17, 160.  
 ..... , ..... , draft of, 61,  
 61 i.  
 ..... , ..... , 74th, 473.  
 ..... , ..... , 40th, 44th, 46th,  
 78th and 87th, 60 pp. 35-37.  
 ..... , ..... , letter from, 40, 42, 50,  
 59, 98, 102 i, 105, 135, 136, 150,  
 168, 169, 223, 232, 233, 245,  
 253, 265, 285, 286, 287, 328,  
 329, 330, 350, 361, 367, 385,  
 405, 406.  
 ..... , ..... , extract of, 438,  
 438 i, 460 i.  
 ..... , ..... , letter to, 60, 103, 208,  
 217.



Mathew, William—*cont.*

- ....., measures concerning seizure of ships taken by, 490 i, p. 378.
  - ....., memorial from, 431.
  - ....., order by, 291, 291 i.
  - ....., proposed suspension of French King's Edict, 460.
  - ....., power to summon Assemblies, 406.
  - ....., question of currency in St. Christophers, 326.
  - ....., question of evacuation of Sta Lucia *etc.*, 296.
  - ....., question of Secretary's fees, 326.
  - ....., request for vessel to visit the separate Islands, sloop to be provided, 60 p. 36.
  - ....., salary of, Acts in separate islands granting, 60 p. 38.
  - ....., sloop fitted out by, 296 p. 194.
  - ....., French ships seized by, 367.
  - ....., Tortola Act passed by, question of validity, 60 p. 37.
  - ....., Junior, Councillor, St. Christopher, death of, 385.
- Mathews, Henry, cooper, in the Bahamas, escape of, in H.M.S. *Shark*, 454 ii.
- Maxwell, Thos., Councillor, Barbados, document signed by, 335 i.
- Maycock, John, Colonel, Councillor, Barbados, proposed for Council, 183 p. 122, 188.
- ....., recommended for Council, 289, 290, 395, 396, 493, 494.
- Medina, Josinto Hernandez, boatswain in *Jesus Maria Joseph*, deposition of, 152 viii.
- Medockawanda (Sagamore of Penobscot), Article of Submission signed by, 375 ii (f).
- ....., purchase of land from, 375 ii, pp. 259, 260.
- Merac, John, Rector of St. Thomas, Middle Island, St. Christopher, document signed by, 286 iii.
- Meredith, —, Bahamas, imprisonment of, 503 p. 390.
- Meriwether, Nicholas, Councillor, Virginia, proposed for Council, 106.
- Middleton, Alexander, deposition of, 152 iii–v.
- Mildmay, Benjamin, 1st Earl Fitzwalter, member of the Privy Council, 60 p. 36.

Mildmay, Benjamin—*cont.*

- ....., consultation with Attorney General, on Jamaica affairs, 33, 36.
  - ....., order concerning Leeward Islands, 168.
- Miller, William, Councillor, Bahamas, absence of, 221.
- Mitchell, George, H.M. Surveyor in Nova Scotia, deposition of, in case of Mrs. Buckler, 340, 340 ii, 462 iii.
- ....., grant of land in Nova Scotia to, 384 i, ii.
- ....., map of peninsula in Bay of Fundy surveyed by, 116 ii.
- Molineux, Charles, Clerk of Assembly, Montserrat, document signed by, 40 i.
- ....., John, Speaker of Assembly, Montserrat, document signed by, 40 i.
- Montague, Duke of. *See* Montagu, John.
- Montagu, John, 2nd Duke of Montague, a Trustee for the settlement of Nova Scotia, 299, 331.
- ....., letter from, 87.
- Montejo, Countess of, letter from, 348 vi.
- Montgomerie, John, late Governor of New York, Commission and Instructions of, 267.
- ....., death of 267, 272, 273, 298 p. 197.
- Moore (Moor), North Carolina, 471 p. 351.
- ....., charges against, 192.
- ....., John, Councillor, New York, proposed for Council, 403.
- ....., recommended for Council, 86.
- ....., Morris, Colonel, North Carolina, document signed by, 141.
- ....., land held by, 141 p. 87.
- ....., Nathl., North Carolina, document signed by, 141.
- ....., Roger, North Carolina, land held by, 141 p. 87.
- ....., Samuel, Councillor, Jamaica, death of, 226.
- Morley, George, Provost Marshal of South Carolina, petition of, 147 i, 305.
- Morrice (Morris), Frederick, Deputy Clerk of Council, New York, 267.
- ....., deposition of, 298 viii, 402 vii, 404 xii.
- ....., document certified by, 272 ii, iii.

- Morris, John, Colonel, Councillor, Antigua, proceeding in case of Secretary's fees, 247.  
 ..... , Lewis, late Chief Justice of New York and President of Council, New Jersey, 272 ii, iii.  
 ..... , ..... , absent without leave, 425 iii.  
 ..... , ..... , Agent for. *See* Paris, Ferd. John.  
 ..... , ..... , apprehension of, in New York, proclaimed, 458.  
 ..... , ..... , book published by, 20.  
 ..... , ..... , at Boston, 404, 408 p. 302.  
 ..... , ..... , claims Government of New Jersey on death of Governor, 424, 425, 425 ii.  
 ..... , ..... , report upon, 425 iii.  
 ..... , ..... , charges against, in New York, 86, 459.  
 ..... , ..... , conduct of, 424.  
 ..... , ..... , complaint concerning, 408 p. 302, 411.  
 ..... , ..... , dismissal of, 272, 425.  
 ..... , ..... , urged, 86.  
 ..... , ..... , dispute with Lieut. Governor Clarke, account of, 470.  
 ..... , ..... , dispute with Governor Cosby, state of, 502.  
 ..... , ..... , in England, 425, 425 iii, 473 i.  
 ..... , ..... , instructions, additional, as President of New Jersey, 306 i.  
 ..... , ..... , letter from, 278, 424, 425.  
 ..... , ..... , petition of, 175.  
 ..... , ..... , proclamation by (as President of New Jersey), 425, 425 i, 458.  
 ..... , ..... , removal from office, 273, 273 i, 327, 334, 366, 415.  
 ..... , ..... , justification for, 502.  
 ..... , ..... , not justified, 177.  
 ..... , ..... , Privy Council's disapproval of, 278.  
 ..... , ..... , residence of, 424.  
 ..... , ..... , speech to Assembly in favour of Mr. Van Dam, 470 p. 347.  
 ..... , ..... , Junior, member for borough of Westchester, N.Y., charges against, 273 i, 402.  
 ..... , ..... , declaration concerning Mr. Van Dam read by, 298 iii, iv.  
 ..... , ..... , dispute with Lieut. Governor Clarke, 470 p. 346.
- Morris, Lewis—*cont.*  
 ..... , ..... , removal of urged, 404 p. 298.  
 ..... , ..... , support of Mr. Van Dam, 298, 298 i.  
 Moseley, Edward, Speaker of Assembly and Surveyor General of North Carolina, 471 p. 351.  
 ..... , ..... , charges against, 192.  
 Moth. *See* La Motte.  
 Mytton, James, Deputy Secretary of Barbados, document signed by, 479 iii.
- N**
- Nedham, William, Colonel, Speaker of Assembly, Jamaica, recommended for Council, 226.  
 Nesbit, Captain, papers received from, 290.  
 Nicholls, Richard, Coroner of New York, appointment as Coroner by Mr. Van Dam, 402 i.  
 Norris, Captain, son-in-law of Lewis Morris, 470 p. 346.  
 Northey, Sir Edward, H.M. late Attorney General, case of Mohegan Indians referred to, 332 i.  
 Nott, Jeremiah, Indian trader, deposition of, 157 ix.
- O**
- O'Brien, Captain, R.N., in command of H.M.S. *Rupert*, 71.  
 Ochs, John, Agent for Swiss Protestants, letter to, extract from, 256.  
 ..... , ..... , memorial from, 270.  
 ..... , ..... , petition of, 110 i.  
 Ogle, Samuel, Lieutenant Governor of Maryland, letter from, 283.  
 ..... , ..... , letter to, 127, 418.  
 Oglethorpe, James, M.P., a Trustee for Georgia, 157 ix.  
 ..... , ..... , assistance for Georgia from New York, 338.  
 ..... , ..... , commission and instructions for Captain Mackay from, 184.  
 ..... , ..... , complaints by Spaniards, forwarded to, 416, 421.



Oglethorpe, James—*cont.*

- ....., conference with Committee from South Carolina, 376 p. 269.
- ....., dismissal of Captain Mackay, 184.
- ....., dispute with Spanish Governor of St. Augustine, correspondence relating to, 348, 348 i-xviii; *and see* Sanchez, Francisco de Moral.
- ....., enquiry into conduct of Captain Mackay, 184.
- ....., fears of Spanish hostilities, 366.
- ....., grant of Creek Indian lands under treaty to, 348 xv.
- ....., letter from, 149, 338, 348, 348 i, vi, vii, viii, xii, xiii, xix, 349, 376 p. 265.
- ....., letter to, 348 ii-v, ix, x, xi, 416.
- ....., memorandum of proposals by, 62.
- ....., recommendation of mission of, 127, 128.
- ....., relations with Spain, 391 i, p. 283.
- ....., request for negroes to erect fort at St. Simon, 170, 173.
- Osborn, John, Councillor Montserrat, sworn in, 385.
- Owen, Peter, deserter from Independent Company in the Bahamas, at Havana, 264 i, p. 166.
- Oweneco, Chief Sachem of Mohegan Indians, 318.
- ....., complaint by, to Queen Anne, 300 i, ii.
- ....., memorial of, 332 i.

# P

- Pajecoe, —, New York, ship of, 470 pp. 346, 347.
- Palmer, Jos., Grand Jury, Barbados, document signed by, 203.
- Papoodowit, Penobscot Indian, document signed by, 365 i.
- Paris, —, Agent for Pennsylvania, 120.
- ....., Ferd. John, Agent for Morris, Van Dam and Alexander, document signed by, 175.
- ....., papers received from, 423.
- Parker, —, Councillor, New Jersey, removal from office, 415.
- Parry, William, Captain, R.N., in command of H.M.S. *Torrington*, instructions for, 389 p. 278.
- Partridge, Richard, Agent for Rhode Island and for Governor Belcher, and Agent for Joseph Whipple, 457 i.
- ....., instructions for, 337.
- ....., letter from, 280, 369, 457, 468.
- ....., memorial of, 457 i.
- ....., papers forwarded by, 365.
- ....., petition of, 8, 373, 457 iii.
- Paterrimin, Penobscot Indian, document signed by, 365 i.
- Patino, —, letters of credit from, 469.
- Payzant, Mons., 145.
- Peagram (Peagram), John, Surveyor General of H.M. Customs in Northern America, appointment as Councillor Extraordinary in New Hampshire, 24.
- ....., letter from, 297, 353.
- Peers, Charles, a Commissioner of H.M. Customs, document signed by, 72.
- ....., Henry, Junior, Councillor, Barbados, 188.
- ....., death of, 395, 396, 493, 494.
- ....., Speaker of Assembly, Barbados, document signed by, 202.
- Pelham, Hollis, Duke of Newcastle, H.M. Secretary of State, correspondence on Treaty of Peace and Neutrality, 296 i.
- ....., document countersigned by, 32, 58 i, 75, 76, 121, 122.
- ....., document sent to, 354.
- ....., document signed by, 35.
- ....., letter from, 62, 126, 127, 128, 129, 149, 173, 275, 300, 348, 378 i, 391, 435, 457 iv, 488.
- ....., letter to, 4, 6, 24, 30, 31, 43, 52, 60 p. 34, 71, 73, 77, 79, 87, 102, 103, 109, 116, 125, 138, 140, 143, 144, 145, 152, 158, 170, 191, 194, 199, 201, 210, 221 vi, vii, 222, 226, 236, 239, 242, 258, 259, 272, 276, 278, 284, 289, 293, 296, 298, 300 i, 315, 322, 323, 327, 332, 334, 335, 337, 338, 344, 346, 348 i, viii, xiv, 349, 352, 358, 362, 366, 372, 375, 378, 386, 387, 391 i, 395, 399, 402, 405, 406, 408, 421, 424, 425, 438, 439, 441, 446, 452, 458, 459, 461, 476, 484, 490, 494, 496.

- Pelham, Hollis—*cont.*  
 ..... , ..... , petition to, 291.  
 ..... , ..... , Seal of Lords Proprietors  
 of North Carolina sent to, 451.  
 ..... , ..... , Secretary of. *See* Stone  
 Andrew.
- Pemberton, Benjamin, naval officer in  
 Massachusetts Bay, appoint-  
 ment of, 100 p. 55.
- Penn, William, Proprietor of Penn-  
 sylvania, claim to lands near  
 the Great Mountains, Virginia,  
 91.  
 ..... , ..... , withdrawal of opposition  
 to McCall Act, 310.
- Pennant, Ed., Councillor, Jamaica,  
 resignation of, 125, 226.
- Perceval, John, Earl of Egmont, letter  
 from, 184.  
 ..... , ..... , letter to, 184 ii.
- Petty, Captain, Commander of sloop  
 for London, hearing of case  
 concerning cargo of, 401 p. 288.  
 ..... , ..... , bond of, 503 p. 391.
- Phenney, Captain, Bahamas, purchase  
 of lands of, 107.
- Philippeau, (? a Secretary of State in  
 France), document signed by,  
 457 xiii.
- Philipps, Erasmus James, Councillor,  
 Nova Scotia, grant of land to,  
 384 i, ii.  
 ..... , R., Governor of Nova Scotia,  
 grant of land to, 384 i, ii.  
 ..... , Rowland, grant of land in  
 Nova Scotia to, 384 i, ii.
- Philipse, Adolph, Speaker of Assembly,  
 New York, letter from, 298,  
 298 iv.  
 ..... , Frederick, Colonel, Assembly-  
 man, New York, letter from,  
 298 i.
- Phipps, Solomon, Captain, papers  
 forwarded by, 385.
- Phipps, Sir William, Indian lands  
 purchased by, 375 ii, p. 260.  
 ..... , ..... , Treaty with Indians  
 (1693), 375 ii (f).
- Piaget, Mons., in command of French  
 forces, 381.
- Pile, Jon., Grand Jury, Barbados,  
 document signed by, 203.
- Pinckney, C., Speaker of Assembly,  
 South Carolina, document  
 signed by, 504, 505.
- Pinder, William, Councillor, Bahamas,  
 death of, 221.
- Pirates, in the Bahamas, measures for  
 protection against, 440 i.
- Pitt, John, Lieutenant Governor of  
 Bermuda, abstract of letter  
 from, 44.
- Pitt, John—*cont.*  
 ..... , ..... , instructions, additional,  
 for, 210.  
 ..... , ..... , letter from, 210, 211, 441,  
 442.  
 ..... , ..... , letter to, 57.  
 ..... , ..... , request for leave of  
 absence for, 441, 442.
- Popple, Alured, Secretary to Council  
 of Trade and Plantations, 294.  
 ..... , ..... , grant of land in Nova  
 Scotia to, 384 i, ii.  
 ..... , ..... , letter from, 9, 25, 33,  
 47, 48, 49, 53, 56, 59, 60, 66,  
 70, 78, 81, 89, 96, 99, 103, 111,  
 113, 134, 162, 164, 187, 189,  
 193, 205, 206, 207, 209, 212,  
 213, 214, 216, 243, 254, 268,  
 271, 274, 309, 347, 392, 393,  
 398, 407, 410, 414, 415, 416,  
 418, 419, 420, 427, 428, 429,  
 436, 437, 444, 447, 467, 484,  
 485, 486, 492, 497, 499.  
 ..... , ..... , letter to, 7, 38, 40, 42,  
 50, 58, 83, 88, 92, 93, 98, 102 i,  
 105, 119, 135, 150, 163, 165,  
 166, 167, 169, 223, 232, 233,  
 245, 247, 253, 265, 280, 286,  
 287, 288, 294, 297, 307, 308,  
 313, 316, 317, 320, 328, 330,  
 343, 345, 350, 355, 357, 361,  
 363, 369, 370, 377, 379, 382,  
 383, 385, 388, 400, 403, 406,  
 433, 440, 442, 450, 457, 463,  
 464, 468, 487, 498.  
 ..... , Henry, Agent for Governor  
 Fitzwilliam and for the Lee-  
 ward Islands, 264 ii.  
 ..... , ..... , document signed by,  
 455, 460.  
 ..... , ..... , grant of land in Nova  
 Scotia to, 384 i, ii.  
 ..... , ..... , meeting with Mr. Fane,  
 431.  
 ..... , ..... , memorial in behalf of  
 Montserrat, 115.  
 ..... , ..... , petition of, 434.
- Porter, John, North Carolina, docu-  
 ment signed by, 141.
- Powell, Charles, Bahamas, case of,  
 503 p. 390.
- Prendergast, Sir Thomas, suit against  
 Chief Justice Auchmuty, in-  
 structions concerning, 126.
- Price, Charles, Jamaica, recommended  
 for Council, 226.
- Provoost, William, Councillor, New  
 Jersey, 284.  
 ..... , ..... , document signed by,  
 425 iii.
- Puridge, John, New Hampshire, peti-  
 tion of, 448.



Purry (Pury, Jean Pierre), John Peter,  
book written by, 110.  
....., ..... contracts for settlement  
of Swiss by, 21.  
....., ..... settlement in South Caro-  
lina, made by, 68 i.  
Pyke, Richard, Boatman of Skidoway,  
Georgia, deposition of, 348 xvii.

## Q

Quincy, Edmund, Massachusetts Bay,  
document signed by, 375 ii  
(f).  
....., J., Speaker of Assembly,  
Massachusetts Bay, document  
signed by, 375 ii (e), (g).

## R

Raddon, George, Deputy Marshal of  
the Bahamas, deposition of,  
454 iii.  
....., ..... papers delivered by,  
454 ii.  
Rawlin, —, Barbados, case of, in  
Court of Exchequer, 335 p. 225,  
336.  
Rawlins, John, Grand Jury Barbados,  
document signed by, 203.  
Reading, John, Councillor, New Jersey,  
document signed by, 425 iii.  
Reddish, H., Captain, R.N., in com-  
mand of H.M.S. *Fox*, letter  
from, 183 iii, 188 iv, 275.  
....., ..... letter to, 183 ii, iv, 188,  
188 ii, iii.  
....., ..... mission to French,  
183 i, ii, 188 i-iv.  
....., ..... mission to Sta Lucia,  
275, 290 i, ii.  
Rennie, Archibald, grant of land in  
Nova Scotia to, 384 i, ii.  
Richard, —, Major, departure of,  
348 xi.  
....., ..... letters forwarded by,  
348 vii.  
....., ..... party of, in danger from  
Indians, 348 xii.  
Richard (Richards, Rickard), Paul,  
Mayor of New York, declara-  
tion by, 386 i.  
....., ..... duplicate of, 402 iv,  
404 vi.  
Richard, Paul—*cont.*  
....., ..... depositions sworn before,  
404 xii, xiii, xiv.  
....., ..... document signed and  
sealed by, 298 iii.  
....., ..... proposed for Council,  
403.  
Richards, Paul, Councillor, New York,  
recommended for Council, 86.  
Ridge (Rich), Jonathan, Marblehead,  
N.E., charge against, in case of  
*Baltimore* brigantine, 340.  
Roberts, John, Councillor, Montserrat,  
residence in England, 60, 412.  
Robinson, Andrew, grant of land in  
Nova Scotia to, 384 i, ii.  
....., Henry, Captain, in command  
of troops at Nanny Town,  
Jamaica, 226.  
....., John, Councillor, Virginia,  
proposed for Council, 106.  
Rodman, John, Councillor, New Jersey,  
recommended for Council, 284,  
415, 424.  
Rogers, —, Councillor Bahamas, 55.  
....., William Whetstone, Council-  
lor, Bahamas, removed to  
Africa, 221.  
....., Woodes, Captain, late Gover-  
nor of the Bahamas, attack  
upon, 264 i, p. 164.  
....., ..... copies of Acts passed by,  
55, 221 p. 144.  
....., ..... death of, 278.  
....., ..... plans of Havana Garrison  
secured by order of, 264 i,  
p. 165.  
Rowland, Captain, Placentia, 389  
p. 278.  
....., Richard, Chief Justice of the  
Bahamas, deposition of, in  
favour of Governor, 434 i.  
....., ..... dismissal of, 401 p. 288.  
....., ..... hearing of case con-  
cerning Captain Petty's cargo  
before, 401 p. 288.  
Rowlands, Nicholas, Nassau, deposi-  
tion of, 454 v-viii.  
....., ..... dispute with Captain  
Symonds, 454 p. 328.  
....., ..... housekeeper of. *See*  
Davis, Mrs.  
Roynon, John, Councillor and Treas-  
urer, Montserrat, appointment  
of, 350.  
....., ..... death of, 385.  
....., ..... document signed by,  
286 ii.  
....., ..... proposed for Council, 412.  
Rutherford, Thomas, a Baron of South  
Carolina, grant of land to, 13.  
....., ..... petition of, granted, 13.

Ryder, Dudley, H.M. Solicitor General,  
conference with, 294.  
....., letter from, 174.  
....., letter to, 113, 214.

8

St. John, James, Surveyor General and  
Deputy Auditor of North and  
South Carolina, deputies of,  
268.

St. Ovid, Governor of, letter to, 340.

St. Poncy, Mons. de, a French priest  
at Annapolis Royal, arrival at  
Louisburgh, 462.

....., defence of, 462 iii.

....., dismissal of, 462, 462  
i-vi.

....., disturbances caused by,  
340, 462.

....., examination in Council,  
462, 462 vi.

....., forbidden to officiate  
as minister, 462, 462 ii, iii,  
iv, vi.

....., petition for return of,  
462 v.

Salmon, Thomas, Justice of the Peace,  
Placentia, Newfoundland, 389,  
p. 278.

Sanchez, Francisco del Moral, Spanish  
Governor of St. Augustine,  
dispute with Mr. Oglethorpe,  
correspondence relating to, 348,  
348 i-xviii.

....., letter from, 157, 157 i,  
iii, 348 ii, iii, iv, v.

....., extract from, 157 ii.

....., letter to, 348 i, vi, vii.

Sanders, —, to entertain Penobscot  
Indians, 375 ii (b).

Sanderson, Will., Placentia, document  
signed by, 119 i, p. 71.

Sandford, Thomas, Rhode Island,  
petition of, 369 i.

Saurin, Pierre, of the *Saint André* of  
Leogane, Hispaniola, deposition  
of, 454, 454 i.

Sayler, Susanna, Bahamas, affidavit of,  
401 p. 290.

Schuyler, John, Councillor, New Jersey,  
recommended for Council, 415.

Scott, James, Chief Justice and  
Speaker of Assembly, Bahamas,  
appointed Chief Justice in place  
of Rowland, 401 p. 288.

....., charges against, 401  
p. 289.

Scott, James—*cont.*

....., document signed by,  
69 i.

....., insulted by Captain  
Symonds, 454 p. 328.

....., narrative of,  
454 ii.

....., as Naval Officer  
Bahamas, case of Captain  
Petty's cargo, 401 pp. 287, 288.

....., proceedings of, as Chief  
Justice, 401 pp. 290, 291.

....., support of Governor  
Fitzwilliam, 449.

Seacomb, —, at Baslon meeting with  
Penobscot Indians, 375 ii (a).

Secretary of State, H.M. *See* Pelham,  
Hollis.

....., office of, and orders concerning  
Plantation affairs, 43.

Seyler, John, Councillor, New Jersey,  
recommended for Council, 284,  
424.

Seyton, Thomas, Bahamas, 401 p. 290.  
....., case of Mr. Jackson,  
482.

Sharp, Will., New York, document  
certified by, 402 i.

Sharpe, John, Agent for the Leeward  
Islands, document signed by,  
455.

....., papers received from,  
341.

....., William, Clerk of the Privy  
Council, document signed by,  
65, 67, 68, 69, 129 i, 130, 146,  
147, 148, 241, 248, 249, 305,  
312, 360, 426.

Shelton, Richard, Secretary to Lords  
Proprietors of South Carolina,  
letter from, 400.

....., papers received from,  
2, 68 i.

....., representing Joseph  
Wragg, 466.

Shepherd, —, boatman on Savannah  
River, 376 p. 267.

Sherlock, Samuel, Councillor, Ber-  
muda, death of, 211.

Shervin, Thomas, Edenton, North  
Carolina, bill of indictment  
against, 133 p. 80.

Shirley, Fra., document signed by,  
423.

....., William, Advocate General  
for Massachusetts Bay, New  
Hampshire and Rhode Island,  
commendation of, 352, 353, 354.

....., expenses of office, 352.

....., letter from, 259, 300 i,  
362.

....., petition of, 423.



Shirley, William—*cont.*

....., salary of, 362, 423.  
 ..... , ..... , proposal to fix, 352,  
 353, 354.

....., wife of, documents sent  
 home by, 352.

Shirreff, William, Councillor, Nova  
 Scotia, grant of land to, 384 i, ii.  
 ..... , ..... , letter from, 116.

Sims, Benjamin, Bahamas, history of  
 treasure trove found by, 454  
 p. 327.

....., John, mulatto, in the Bahamas,  
 disposal of estate of, 454 p.  
 327.

Skene, William, Councillor, Nova  
 Scotia, grant of land to, 384 i, ii.

Skinner, William, Amboy, letter from,  
 299 i.

Slater, John, grant of land in Nova  
 Scotia to, 384 i, ii.

Smart, Thomas John, Captain of the  
*Ogle*, claim for salvage of the  
*Jesus Maria Joseph*, 152, 152 i, ii.

....., ..... , deposition of, 152 iii-v.

Smith, —, Attorney, New York, affi-  
 davit of, 86.

....., —, Captain, Bahamas, Gover-  
 nor's instructions to, 401 p.  
 291.

....., —, Judge of Admiralty Court,  
 Bahamas' cases heard by, 401  
 p. 292.

....., Alexander, New York, a  
 leader of factions, 470 p. 348.

....., Benjamin, Grand Jury, Bar-  
 bados, document signed by,  
 203.

....., E., late Chief Justice of North  
 Carolina, memorial of, referred,  
 451.

....., ..... , representation from, 444.

....., Michael, President of Council  
 of Nevis and late Commander-  
 in-Chief of the Leeward Islands,  
 correspondence of, on Treaty  
 of Peace and Neutrality, 296.

....., ..... , letter from, 296 p. 194.

....., Richard, Councillor, New  
 Jersey, removal from office,  
 415.

....., ..... , recommended for  
 Council, 284, 415, 424.

....., Wavell, Clerk of the Courts,  
 Clerk of the Ordinary Register in  
 Chancery and of the Admiralty,  
 Secretary of St. Christopher and  
 the Leeward Islands and Coun-  
 cillor of St. Christopher, account  
 of conduct required, 60.

....., ..... , account of, Mr. Coope's  
 observations upon, 390.

Smith, Wavell—*cont.*

....., ..... , complaint concerning,  
 325, 326.

....., ..... , dispute over, 291.

....., ..... , complaint concerning  
 Secretary's fees, 247, 247 i, ii.

....., ..... , in England, 168.

....., ..... , failure to furnish trans-  
 scripts of papers, complaint  
 concerning, 56.

....., ..... , fees of, 390, 464, 464 i.

....., ..... , as Clerk in Chan-  
 cery, observations upon, 60 p.  
 36.

....., ..... , letter from, 247, 345,  
 433, 464.

....., ..... , letter to, 56, 60, 169.

....., ..... , letters patent for, 291.

....., ..... , memorial of, opinion  
 upon, 481.

....., ..... , minutes of Council  
 forwarded by, 93, 93 i.

....., ..... , observations on accounts  
 of, 341.

....., ..... , reply to, 345.

....., ..... , petition of, 291, 325, 326.

....., ..... , dismissed, 312.

....., ..... , removal from office as  
 Clerk of Assembly, St. Kitts,  
 60 p. 38.

....., ..... , salary of, 329.

....., William, Councillor, Bahamas,  
 221.

....., ..... , affidavit of, 482.

....., ..... , deposition of, 432.

....., William, Grand Jury, Bar-  
 bados, document signed by, 203.

....., William, Chief Justice of North  
 Carolina, 133 p. 78.

....., ..... , complaint against, 133  
 p. 80.

....., William, New York, appoint-  
 ment as Recorder by Mr. Van  
 Dam, 402 i.

....., ..... , charges against, 402,  
 404 p. 297, 408 p. 302, 411.

....., ..... , removal of, urged, 404  
 p. 298.

Smyth, Lawrence, Clerk of Council,  
 New Jersey, document signed  
 by, 425 ii.

Solicitor General, H.M. *See* Ryder,  
 Dudley.

....., reference to, 406.

Somersset (afterwards Scudamore),  
 Henry, Duke of Beaufort, lands  
 in South Carolina granted to,  
 68 i.

....., ..... , plans of baronies in  
 South Carolina, 400.

Sonlegre, Peter, Councillor, St. Christo-  
 pher, resignation of, 114.

Southwell, Edward, proposed as Trustee for settlement of Nova Scotia, 331.

Spatchers, William, Councillor, Bahamas, 221.

Spencer, Thomas, Major, Barbados, Act concerning, 289 i.

....., Thomas, Councillor, Bahamas, death of, 221.

Spofferth, Samuel, Councillor, Bermuda, recommended for Council, 57, 211.

Stallard, James, Councillor, North Carolina, 161.

....., ..... , absentee, 97.

Stanley, Edward, Earl of Derby, proposed as Trustee for settlement of Nova Scotia, 331.

Stanyan, Temple, Clerk of H.M. Privy Council, document signed by, 138 i, 196, 198, 295, 483.

Steward (Stewart), William, Councillor, Bahamas, sworn in, 221.

Stewart, —, Garrison Surgeon in the Bahamas, 401 p. 292.

....., William, Receiver General and Treasurer in the Bahamas, 55.

....., ..... , document signed by, 264 iv, x.

....., ..... , mission to Havana, 264 i, p. 165.

....., ..... , powder magazine defended by, 264 i, p. 163, 276.

....., ..... , recommended as officer in Independent Company, 264 i, p. 165.

Stone, Andrew, Secretary to the Duke of Newcastle, letter to; 149, 170, 342, 349.

Strickland, Sir William, Secretary of War, New Providence, death of, 276.

....., ..... , letter to, 264 iii, 276, 277.

....., ..... , proposal for victualling the Bahama garrison, 264 i, p. 166.

Swann, John, North Carolina, document signed by, 141.

....., Samuel, North Carolina, 133 p. 78.

....., ..... , document signed by, 141.

Symonds, Richard, Captain, R.N., Commander of H.M.S. *Shark*, charges against, 454, 454 ii, iii, iv, v-viii.

....., ..... , extract from instructions for, 440 i.

....., ..... , narrative of insult by, upon Chief Justice, 454 ii.

....., ..... , seamen abducted by, 454 ii, iii.

T

Talcot, Joseph, Governor of Connecticut, letter from, 139.

....., ..... , letter to, 419.

Talofileche, Captain of band of Creek Indians, complaint against, 348 xi.

Terrill, Colonel, Councillor, Barbados, death of, 142 p. 89, 231, 248, 289, 290.

....., ..... , resignation of, 183.

Thomas, Colonel, letter from, 473.

....., George, Councillor, St. Kitts, dissent of, 93 i.

....., ..... , protest by, 247 ii.

....., Peter, Puisne Judge, St. Christopher, "disordered in his senses," 350.

Thomlinson, John, Captain, Connecticut, letter from, 377.

....., ..... , Agent for New Hampshire, document signed by, 448.

....., ..... , letter from, 363.

Thompson, John, Councillor, Bahamas, 55, 221.

....., ..... , death of, 221.

....., ..... , refusal to give evidence, 401 p. 290.

Tomachichee Mico, King of Yamacraw Indians, 348 xii.

....., boundaries of Georgia defined by, 348 i.

....., expedition to Wans River, 348 xvi, xvii.

Tomkins, Charles, Virginia, Act concerning lands of, 467, 472, 475.

Tomlinson, —, 409.

....., John, Junior, Puisne Judge of Antigua, refusal to continue in office, 361.

Tooanhowi, nephew of Tomachichee, Cumberland island in Georgia named by, 348 i.

....., gifts for, 348 i, p. 235.

Torrington, Viscount, a Trustee for settlement of Nova Scotia, 331.

Tourmell, Captain, Commander of French man-of-war, *Humility* ship seized by, 457 i, iii.

Townsend, Thomas, Clerk of H.M.S. *Shark*, deposition of, 454 v-viii.

Towry, J., Captain, R.N., Heads of Enquiry for, 307, 320.

....., ..... , reply to, 166 ii, 450.

....., ..... , letter from, 166, 450.

Trimingham, John, President of Council, Bermuda, death of, 211.

Trott, Perient, Senior, Councillor, Bermuda, 211.



Trott, Perient—*cont.*

....., Junior, Councillor, Bermuda, 211.

Tucker, Henry, Councillor, Bermuda, death of, 211.

## U

Unchas, Chief Sachem of Mohegan Indians, league of alliance and friendship with England, 300 ii, p. 202.

....., assistance for first settlers in Connecticut from, 300 ii, p. 202.

## V

Valderrana y Haro, Don Ju. Joseph de, Governor of Maracaybo, case of *Mercury* sloop, 221 iii.

....., letter from, 221 v.

....., letter to, 221 iv.

....., treatment of Captain Lawford, 221 iii, 222.

Vale, Mauritius, Jamaica planter, tried and convicted of murder, 140.

....., forfeiture of estates of, 140.

Van Dam, Rip, late Commander in Chief and President of Council of New York, administration claimed by, 402, 402 i, ii, 404, 408 p. 302, 411.

....., Agent for. *See* Paris, Ferd. John.

....., charges against, 86.

....., dismissal from office urged, 86.

....., controversy over administration of Government with Mr. Clarke, 267, 272, 273, 298, 298 i-ix, 366, 402, 403, 404, 459, 470 p. 347.

....., letter from, 272 iv, 298, 298 i, ii.

....., letter to, 272 v.

....., Magistrates appointed by, 402, 402 i, ii, 404, 404 i.

....., Mayor and Corporation appointed by, 470 p. 347.

Van Dam, Rip—*cont.*

....., petition of, 175.

....., protestation by, 267, 272, 272 vi, 273, 298, 298 i-iv.

....., criticism of, 386 iii.

....., removal from Council recommended, 273, 273 i.

....., suspension of, 266, 267, 272, 272 i, ii, iii, vii, viii, 273, 273 i, 298 i-iv, 327, 334, 403.

....., faction in Assembly object to, 386.

Van Horne, Abraham, Councillor, New York, 272 ii.

....., Cornelius, Councillor, New Jersey, appointment as Mayor by Mr. Van Dam, 402 i.

....., document signed by, 425 iii.

Vane, Charles, Ensign, party commanded by, 340.

....., grant of land in Nova Scotia to, 384 i, ii.

Verelst, Harman, Treasurer for Georgia, letter from, 463.

Vernardo, —, a boatman on Savannah River, 376 p. 267.

Vernezobre, Daniel, lands in Purrysburgh for, memorial concerning, 45.

....., letter from, 45.

Vernon, —, Admiral, R.N., letters and papers relating to, consideration and memorandum of, 368.

....., James, Secretary to H.M.'s Privy Council, document signed by, 1, 2, 12-18, 41, 160, 161, 170, 172, 177, 261, 262, 263, 356, 359.

....., letter to, 348 xiv.

Vine, Edward, case of, against Governor Fitzwilliam, 503.

Vittery, William, Captain, deposition of, 430, 430 iii.

## W

Wager, Sir Charles, First Lord Commissioner of the Admiralty, 60 p. 36, 277, 299.

....., document sent to, 354.

....., order concerning defence of Leeward Islands, 168.

....., Trustee for settlement of Nova Scotia, 331.

- Waldegrave, Lord, H.M. Ambassador in Paris, copy of French King's Edict received from, 488.  
 ..... , letter to, 457 iv, 461.  
 ..... , memorial to, 435, 435 ii, iii.  
 ..... , memorial concerning seizure of *Fleurion* French ship, sent to, 490 i, p. 377.  
 ..... , papers on Caine case sent to, 468 viii.  
 ..... , papers on evacuation of Sta Lucia for, 275.  
 Waldo, S., examination of, in Committee, 375 ii (e).  
 ..... , letter from, 354, 355.  
 ..... , petition of, 375 ii (f).  
 ..... , purchase of Indian lands by, 375 ii, p. 259, 375 ii (f).  
 ..... , settlement on St. George's River, conference with Indians concerning, 365 i, ii.  
 ..... , Indian complaint concerning, 375 ii (d).  
 Wales, Prince of. *See* Frederick, Prince of Wales.  
 ..... , Princess of. *See* Augusta.  
 Walker, Charles, sloop of, in Bahama mutiny, account of, 264 i, pp. 163, 164, 276.  
 Wall, Dr. Miguel, from Cadiz, *alias* D'Tombe, Peter Jacob, an agent for Spain at Havana, 469.  
 ..... , career of, account of, 469.  
 Walpole, Horace, a Trustee for settlement of Nova Scotia, 331.  
 ..... , Horatio, H.M. Auditor General for the Plantations, 272.  
 ..... , letter to, 273 i, 403.  
 ..... , Sir Robert, 1st Lord of H.M. Treasury, 299, 368.  
 ..... , proposal concerning troops in the Bahamas, 221 p. 143.  
 Walsh, D (?), Deputy Secretary of St. Christophers, document signed by, 169 i.  
 ..... , Patrick, deposition of, 152 iii-v.  
 Walter, Robert, Mayor of New York, deposition of, 181 iii.  
 Wanton, John, Governor of Rhode Island, 280.  
 ..... , certificate by, 457 x.  
 ..... , letter from, 185.  
 ..... , letter to, 420.  
 Wardroper, Thomas, Councillor, North Carolina, appointment of, 161.  
 ..... , death of, 471 p. 352.  
 ..... , proposed for Council, 97.  
 Wardroper, Thomas—*cont.*  
 ..... , recommended for Council, 104.  
 Warner, John, Clerk of Council, Montserrat, document signed by, 286 ii.  
 Warrell, Joseph, Councillor, New Jersey, recommended for Council, 86, 415.  
 Warren, —, Dr., Barbados, case of, in Court of Exchequer, 335 p. 225, 336.  
 Webb, Harry, Justice of the Peace in Antigua, report by, 460 iv.  
 ..... , John, Councillor, Montserrat, sworn in, 385.  
 ..... , Nathaniel, Councillor, Montserrat, absence of, 385.  
 Weekes, Ralph, Councillor, Barbados, document signed by, 335 i.  
 Wells, —, Councillor, New Jersey, 284.  
 West, John, Baron De La Warr, H.M. Ambassador to Saxe Gotha to conclude the marriage of Princess Augusta with the Prince of Wales, a Trustee for the settlement of Nova Scotia, 331.  
 ..... , Richard, letter from, 179, 180, 181, 182, 186.  
 Wheatley, Samuel, Clerk of Naval Office, South Carolina, warrant appointing, 121.  
 Whipple, Joseph, merchant of Rhode Island and owner of *Humility* ship, 457 i.  
 ..... , agent for. *See* Partridge, Richard.  
 ..... , capture of *Humility* by French, 457, 457 i, iii.  
 ..... , estimate of damages caused by, 437 ii, vi.  
 ..... , papers concerning, 457 iv-xiii.  
 ..... , letter of Attorney for, 457 v.  
 ..... , orders signed by, 457 viii.  
 White, John, Treasurer in the Bahamas, accounts of, Governor's suit against, 503 p. 391.  
 ..... , Leonard, Senior, Councillor, Bermuda, death of, 211.  
 ..... , Junior, Councillor, Bermuda, 211.  
 ..... , Richard, master of *Baltimore* brigantine, 340.  
 ..... , Samuel, Captain, 498.  
 Wilkinson, Arthur, Antigua, 361.  
 Wilks, Francis, Agent for Massachusetts Bay, letter from, 370, 379.  
 ..... , petition of, 426.



- Willard, Josiah, Secretary, Massachusetts Bay, accounts of bills of credit forwarded by, 379 i.  
 ....., ....., document signed by, 375 ii (e).  
 ....., ....., letter from, 163, 174, 294, 317, 498.  
 ....., ....., papers transmitted by, 499.
- Willes, Sir John, H.M. Attorney General, letter to, 25, 33, 81, 89, 99, 113, 134, 214, 444.  
 ....., ....., opinion by, 36, 104, 410 p. 304.  
 ....., ....., reference to, 100 p. 54, 406.
- William III, King, order by, 329.
- Williams, Charles, New York, deposition of, 272 viii.  
 ....., John, Councillor of St. Christopher, proposed for Council, 114.  
 ....., Mary, Nassau, burning of house of, 454 ii.  
 ....., William, Indian trader with Creeks and Chicksaws, deposition of, 157 vii.
- Willis, Francis, Councillor, Virginia, proposed for Council, 106.
- Wilson, Patrick, Deputy Secretary St. Christopher, document signed by, 93 i.
- Wilson, Patrick, Deputy Secretary of Antigua, document signed by, 169 ii.
- Wimble, James, New England, letter from, 358.  
 ....., ....., request for post as Collector, 358.
- Winniett, William, grant of land in Nova Scotia to, 384 i, ii.
- Winthrop, —, Colonel, Massachusetts Bay, proposed as Lieutenant Governor, 238 p. 122.
- Wood, —, papers received from, 3.  
 ....., Alexander, master of Edwards, 157 vii.  
 ....., Saml., Grand Jury, Barbados, document signed by, 203.  
 ....., William, merchant, London, letter from, 7, 88.  
 ....., ....., letter to, 7 i.  
 ....., ....., representing merchants of Bristol, 21.
- Woodroffe, Joseph, Surveyor General of Barbados, Commission appointing, 479 ii.
- Woodside, Captain, and Penobscot Indians, 365 ii.
- Worsley, Charles, Middle Temple, letter from, 93.
- Worsley—*cont.*  
 ....., Henry, late Governor of Barbados, instructions for evacuation of Sta Lucia, St. Vincent and Dominico, 102.  
 ....., ....., salary of, 142 ii.
- Wragg, —, baronies in South Carolina, 400, 400 i.  
 ....., ....., document received from, 141.  
 ....., ....., petition from, 400.  
 ....., ....., proposals of, 3.  
 ....., ....., question of amount of quit rent to be paid, 471 p. 351.  
 ....., Joseph, Councillor of South Carolina, petition from, 68 i.  
 ....., ....., representation upon, 466.  
 ....., Samuel, London merchant and Councillor of South Carolina, deposition of, 255.  
 ....., ....., petition from, 2 i, 68 i.  
 ....., ....., representation upon, 466.
- Wright, Jermyn, son of Robert, letter from, 58.  
 ....., Robert, Chief Justice of South Carolina, warrant for appointment of, 58, 58 i.  
 ....., Thomas, Indian trader, partner of William Williams, 157 vii.

## Y

- Yeamans, John, Agent for Antigua and the Leeward Islands, document signed by, 455, 460.  
 ....., ....., letter from, 296, 303.  
 ....., ....., letter to, 11, 460 i.  
 ....., ....., memorial of, 108, 303.  
 ....., ....., copy of, 109 i.
- Yerwith, John, Bahamas, deposition of, 417, 430 ii.
- Yonge, Francis, Councillor, South Carolina, removal from office, 360.  
 ....., ....., resignation of, 292.
- Young, —, Barbados, case of, 336.  
 ....., W., mariner in sloop *Mercury*, deposition of, 221 ii.
- Younge (Yonge), Sir William, H.M. Secretary at War, 221 p. 143.  
 ....., ....., letter to, 264 i, ii, 347, 427, 452.  
 ....., ....., proposed as Trustee for settlement of Nova Scotia, 331.

**Z**

- |  |   |
|--|---|
| <p>Zenger, John Peter, Printer, New York, 366.</p> <p>....., ....., complaint against, 402.</p> <p>....., ....., document printed by, 404 p. 297, 404 ix.</p> <p>....., ....., journal of, 408 p. 302.</p> | <p>Zenger, John Peter—<i>cont.</i></p> <p>....., ....., "<i>A letter to one of the members of the late General Assembly</i>" (1736) printed by, 386 iv, v.</p> <p>....., ....., removal of urged, 404 p. 298.</p> <p>....., ....., "<i>A Word in Season</i>" printed by, 402 x, 404 vii, x.</p> |
|--|---|

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# INDEX OF PLACES AND THINGS.

## A

- Accadie, French priests at, 462 iii.
- Act of Parliament, concerning conduct of officers of H.M. Ships in the Plantations, 440 i.
- ....., for the better preservation of the King's masts, draft of, sent home from Massachusetts Bay, 352, 354.
- ....., *for ye better preservation of ye King's Woods in America etc.*, consideration of, 294.
- ....., ..... draft of new bill for, 362.
- ....., *for the better securing and encouraging the trade of H.M. Sugar Colonies in America*, 183 p. 120.
- ....., ..... application to Barbados, 29.
- ....., ..... evasions of, 361.
- ....., *for the encouragement of trade* (Charles II), interpretation of, 497 i.
- ....., ..... seizure of Portuguese ships under, 389 p. 279.
- ....., (King William III), relating to murders, felonies and other capital crimes committed in Newfoundland, action taken under, 389 p. 278.
- Acts of Parliament relating to Trade and Navigation, instructions to Governors arising from, 437.
- Admiralty, H.M. Lords Commissioners of; *and see* Wager, Sir Charles.
- ....., ..... case against Captain Symonds forwarded to, 454 ii.
- ....., ..... Commissions and Letters of Marque, copy and instructions, 103.
- ....., ..... draft of Commission and Instructions for private ships of war, copies requested, 59.
- ....., ..... copies sent, 60 p. 35.
- ....., ..... instructions issued by, 440 i, 452.
- ....., ..... letter to, 59.
- ....., ..... H.M. ships in American Stations, strength of, enquiry concerning, 193.
- ....., ..... list of, 197 i.
- Africa, application of Act of Trade to, (King Charles II, 25th of), 31.
- ....., negroes for Rhode Island from, 185.
- ....., trade of, with Virginia, 31.
- Alatamaha River. *See under* Georgia; Carolina, South.
- Albamas, fort at, strengthening of, 157 p. 101.
- Amity* sloop, seizure of, by French, 296 p. 193, 474 i.
- Anguilla, Council proposed for, 105, 406.
- ....., establishment of legislature in, 168.
- ....., form of Government for, 60 p. 36.
- ....., ..... by Deputy Governor and Council, 168 p. 111.
- ....., inhabitants of, disorderly conduct of, 60 p. 36.
- ....., legislature for, 105, 285, 329 p. 220.
- ....., settlers on Sta Cruz from, 60 p. 35.
- Ann* sloop of Bermuda, 211.
- ANTIGUA: *and see* Leeward Islands.
- ....., *Act for ascertaining the value of all gold and silver coins passing in this island and introducing English Copper*, criticism of, 406.
- ....., ..... explanation of, 329.
- ....., ..... transmitted, 328.
- ....., *Act for building a platform, cisterns or reservoirs of water at English Harbour in this Island for the use of H.M. Ships of war*, approval of, 60 p. 36.
- ....., *Act for continuing public works on repairs of cisterns*, transmitted, 40, 169.
- ....., *Act for laying a duty on powder upon all vessels etc.*, delay in transmitting, 350.
- ....., ..... Governor to assent to, 60 p. 38.
- ....., *Act for preventing trade in those parts between H.M. subjects and the French*, 361.
- ....., *Act for raising a tax for paying public debts etc., and particularly applying the said tax*, transmitted, 350.

Antigua—*cont.*

- ....., Act to supply the defects of a certain Act of this Island entitled an Act for constituting a Court of Chancery in this Island and for holding Courts of Chancery in the absence of the Commander in Chief of the Leeward Islands from this Island, and for regulating the proceedings in Chancery causes and for settling ye value of things in question on appeals to H.M. when the value shall be doubtful (1728), criticism of, 60 pp. 37, 38.
- ....., Acts of, 136 iii.
- ....., books of, printed, 11.
- ....., sent as gifts to Assembly, 11.
- ....., referred, 206, 398.
- ....., Agent for, 60; and see Yeamans, John.
- ....., Assembly of, Council's refusal to comply with message from, 291 ii.
- ....., minutes of, 135.
- ....., Speaker of, letter from, 11.
- ....., Council of, Minutes of, 233, 247 ii, 291 ii, 328, 329, 385.
- ....., in arrears, 169.
- ....., President of. See Byam, Edward.
- ....., refusal to comply with Assembly's message, 291 ii.
- ....., Secretary's fees, 150, 247, 247 ii.
- ....., Councillors of. See Morris, John; Thomas, George; Lucas, George.
- ....., Deputy Secretary, fees of, 291, 291 ii.
- ....., receipts of, 169, 169 ii; and see Wilson, Patrick.
- ....., distressed condition of, 11.
- ....., exports of,  $4\frac{1}{2}$  per cent. duty on, 11.
- ....., French ships seized at, 445.
- ....., Justices of the Peace. See Arbuthnot, Robt.; Webb, Harry.
- ....., Lieutenant Governor of. See Byam, Edward.
- ....., Militia, deserters to Sta Cruz from, 329 p. 220.
- ....., powder money, account of, 136 i.
- ....., Puisne Judge at. See Tomlinson, John, Junior; Horne, Edward.
- ....., revenue raised in, account of, 136 ii.

Antigua—*cont.*

- ....., Secretary's fees in, protest against reduction of, 247, 247 ii, 291, 291 i, ii; and see Smith, Wavell.
- ....., Mr. Smith's deputy at, 42.
- Appenzel, Switzerland, letter from inhabitants of, 256.
- Assiento Company, the Royal, at Santiago de Cuba, 469.
- ....., factor of. See Cocke, Leonard.

**B**

BAHAMA ISLANDS AND PROVIDENCE ISLANDS, accounts of, 264 iv-xiv.

- ....., Act for governing negroes and slaves, referred, 221 p. 144.
- ....., Act for levying divers sums for defraying the public charges etc. (1729), 221 viii.
- ....., Act for levying divers sums for payment of officers' salaries etc. (1734), 221 viii.
- ....., explanation of, 221 p. 144.
- ....., Act for preventing fraud etc. (7 and 8 William III), 401 p. 290.
- ....., Acts of, 221 p. 144.
- ....., Governor's instructions concerning, 55.
- ....., referred, 55.
- ....., (1734, 1735), 48.
- ....., transmitted, 55.
- ....., Acts in force affecting British trade and shipping, account of, 221 viii.
- ....., Assembly of, 221 p. 144.
- ....., case of Mr. Lawford, 401 p. 288.
- ....., Speaker of. See Scott, James.
- ....., barracks and fortifications at, repair of, 452.
- ....., ruinous condition of, 439.
- ....., braziletto wood, 221 p. 143.
- ....., bonds required for cutting, 55.
- ....., Crown property, seizure of, 401 p. 290.
- ....., Chief Justice of. See Rowland, Richard; Scott, James.
- ....., contingent charges, account of, 264 ix, xiv.



- Bahama Islands and Providence Islands  
—*cont.*  
....., Council of, journals of, 264, 279.  
....., minutes of, 401 p. 287.  
....., President of. *See* Howell, John.  
....., Council and Assembly of, address from, 69 i, 107.  
....., Councillors. *See* Steward (Stewart), William ; Jackson, Chaloner ; Thompson, Richard ; Pinder, William ; Lorey, Thomas ; Rogers, William Whetstone ; Howell, John ; Spatchers, William ; Hale, William ; Thompson, John ; Smith, William ; Spencer, Thomas ; Miller, William ; Rogers, — ; Hurst, Acklom.  
....., Court, Admiralty, Judge of. *See* Smith.  
....., trial of mutineers by, 264 i p. 164, 276.  
....., Court of Common Pleas, Governor's alleged interference with, 503 p. 391.  
....., Court House, prison for, funds for building of, 454 p. 327.  
....., Courts of Justice and Judges, Governor's treatment of, 449.  
....., H.M. Customs in, accounts of, dispute concerning, 482.  
....., charges of evasion of duties, 401 p. 290.  
....., defence of, 69 i.  
....., importance of, 107, 221 p. 143.  
....., need for fresh measures for, 277.  
....., Deputy Marshal of. *See* Rad-don, George.  
....., duties in, affecting British trade and shipping, reply to queries concerning, 221 viii.  
....., duties and impositions in, 221.  
....., Engineer at, death of, 55.  
....., plans for barracks by, 264 p. 161.  
....., report and drawings of, 221 p. 142.  
....., export duties, account of, 264 vi, xii.  
....., Exuma, protection for salt industry at, 440 i.  
....., salt raking, Governor's measures for control over, 503 p. 390.  
....., fines and forfeitures in, account of, 264 viii, xiii.  
....., fort in, decayed condition of barracks, 264 p. 161.
- Bahama Islands and Providence Islands, fort in—*cont.*  
....., seized by mutineers, 264 i.  
....., urgent need for repair of, 264 i, ii, iii, 277.  
....., Fort Nassau, cost of repair of, 107.  
....., forts and fortifications Engineer's report upon, 55.  
....., ruinous condition of, 427.  
....., garrison of, condition of, 394.  
....., Governor of. *See* Rogers, Woodes ; Fitzwilliam, R.  
....., charges concerning trad-ing by, 449, 452.  
....., Grand Jury, address from, 434 ii.  
....., foreman of. *See* Bedon, Thos.  
....., importance of defence of, 221 p. 143.  
....., import duties, account of, 264 v, xi.  
....., inhabitants of, census required by Governor, 503.  
....., need for increase of, 69 i.  
....., statement of case of, 503.  
....., Independent Company at, account of state of, 346, 347.  
....., deserters from, at Havana, 264 i, p. 166.  
....., lack of arms and medicines for, 164, 221 p. 143, 264 i, ii, iii, 276.  
....., miserable conditions of, 264, 264 i, ii, iii, 276, 277.  
....., mutiny and desertion among, 342 i.  
....., account of, 264 i, ii, 276, 277, 279 ; *and see* Clare ; Cornwallis, Colonel.  
....., officers in, lack of, 264 i, p. 165.  
....., request for increase in, 264 ii.  
....., pay of, inadequate, 221 p. 143.  
....., question of provisions for, 264 i, p. 166, 264 ii.  
....., request for allowances and medicines for, 221 p. 143.  
....., treatment of, complaint concerning, 342 i.  
....., Justice of the Peace. *See* Howell, John.  
....., lime kiln ordered by Governor, 503 p. 390.  
....., Lords Proprietors of, purchase from, 277.  
....., Naval Officer in. *See* Scott, James.

- Bahama Islands and Providence Islands  
—*cont.*  
....., need for direct communication with Great Britain, 221 p. 142.  
....., ....., proposal to forward correspondence via South Carolina, 221 p. 142.  
....., New Providence, account of conditions in, 342 i.  
....., pirates, 454 p. 327.  
....., ....., instructions for defence against, 440 i.  
....., ....., proceedings and trial of, report required, 452.  
....., population of, need for increasing, 277.  
....., Proprietors of, rights and profits transferred to Crown on purchase, 55.  
....., Providence, French pilot executed at, 452.  
....., ....., recruits for garrison at, 394.  
....., provisions for, charges against Governor concerning purchase of, 401 p. 288.  
....., purchase of, by the Crown, 69 i, 221 p. 142.  
....., ....., terms of, 55.  
....., revenue of, 221 p. 144.  
....., ....., account of, 264 iv, x.  
....., salt, duty on, 221 p. 144.  
....., ....., for fishery in Northern Colonies, 221 p. 144.  
....., salt raking, 221 pp. 143, 144.  
....., ....., bonds required for, 55.  
....., Settlers for, Palatines proposed as, 221 p. 144, 277.  
....., ship seized by Spaniards, 346.  
....., shipping, list of, 279.  
....., H.M. Ships at, importance of, 277.  
....., ....., instructions for Captains of, 454 p. 327.  
....., ....., proposal for a small vessel to be stationed at, 277.  
....., H.M. sloop *Shark* sent for the protection of, 440 i.  
....., Spanish intrigues in, 264 i p. 164.  
....., Station ships, Admiralty instructions for, 428.  
....., stores of war for, 107.  
....., ....., lack of small arms, 264 i, p. 163, 264 ii.  
....., ....., need of, 55, 221 p. 143.  
....., taxes in, account of, 264 vii.  
....., trade of, obstructed, 401 p. 289.  
....., treasure trove in, 454 p. 327.  
....., Treasurer of, accounts of, 503 p. 391 ; and see White, John.
- Baltic, The, potash for Great Britain from, 241 i.
- Baltimore Brigantine, account of loss of crew and cargo of, 340, 340 i-iii, v.  
....., case of, 462.  
....., master of. See White, Richard.  
....., owner of. See Buckler, Andrew.
- BARBADOS : and see Dominico, Sta Lucia, St. Vincent.  
....., Act appointing Agents for this Island in Great Britain, transmitted, 289 i.  
....., Act concerning forestallers and ingrossers of provisions (1672), referred back for consultation, 29.  
....., ....., suspensory clause for, 399.  
....., Act concerning the surveying of land in this Island, petition against, 443.  
....., ....., repeal of urged, 479, 491.  
....., ....., report upon, 485.  
....., ....., transmitted, 289 i.  
....., Act declaring part of the Newtown house in the Town of St. Michael to be the common gaol of this Island and empowering the Provost Marshall to make use of it as such, transmitted, 289 i.  
....., Act empowering the Treasurer to pay a certain sum to the Lady Howe, etc., approved, 228, 237.  
....., ....., confirmation of, 261, 399.  
....., ....., referred, 213.  
....., Act for the encouragement of Thomas Spencer Esqr. in a new project or method he has invented for the more easy and expeditious straining of liquors for making sugar and rum, transmitted, 289 i.  
....., Act for the encouragement of Major Thos. Spencer Esqr., for a new project or method he has invented in the place and stead of lead on copper, being less expensive, more durable and convenient than what has heretofore been used, transmitted, 289 i.  
....., Act entitled an Act for laying an imposition or duty on all sugars, molasses, rum, cotton, and ginger, imported into this Island which are not the natural product, growth and manufacture of some of H.M. Colonies (1715), referred back for consultation, 29.



Barbados—*cont.*

- ....., Act entitled *A Supplemental Act to the last mentioned* (1717), referred back for consultation, 29.
- ....., Act entitled *an Act to prevent the inconveniency upon the inhabitants of this Island by forestallers, ingrossers and ingraters* (1676), referred back for consultation, 29.
- ....., Act *impowering the Vestry of the Parish of St. Joseph to choose a churchwarden for the said parish to continue in the said office till the five and twentieth day of march next*, transmitted, 289 i.
- ....., Act, *impowering the Vestry of the parish of St. Lucy to choose a churchwarden for the said parish to continue in the said office till the twenty-fifth day of March next, and also to enable the vestrys of the several parishes in this Island to make choice of a churchwarden in case of the death or going off this Island of any churchwarden before the year for which he is elected expires*, transmitted, 289 i.
- ....., Act *for laying an imposition or duty on all sugars, molasses, rum, cotton and ginger imported which are not the natural product of some of H.M. Colonies*, suspensory clause for, 399.
- ....., Act *to prevent the exportation of horses and asses from this Island* (1715), referred back for consultation, 29.
- ....., ....., suspensory clause for, 399.
- ....., Act *to prevent the inconvenience upon the inhabitants by forestallers, engrossers and regraters*, suspensory clause for, 399.
- ....., Act *to provide for the expences of His Honour the President's table during his residence at Pilgrims House for the benefit of the public*, transmitted, 289 i.
- ....., Act *to raise a sum of money for payment of Lord Howe's debts*, 51.
- ....., Act, *supplemental to Act laying an imposition or duty on all sugars etc.*, suspensory clause of, 399.
- ....., Acts (2) concerning forestallers and ingrossers, effect of repeal of, 183 pp. 119, 120.

Barbados—*cont.*

- ....., Acts of, laying duties on negroes, wine imported and exported, 142 p. 88.
- ....., Acts of, list of, 289 i, 290 iii, 396 i.
- ....., .... (5), reason for repeal of, 183 pp. 119, 120.
- ....., ....., repeal of recommended, 142 p. 89.
- ....., ....., referred, 393.
- ....., Agents for, 51.
- ....., Assembly of, Speaker of. *See* Peers, Henry; Gibbons, W.
- ....., Attorney General of. *See* Blenman, Jonathan.
- ....., Carlisle Bay, H.M.S. *Fox* at, 183 ii, 188 iv.
- ....., case of Rawlin and Warren, account of, 335 p. 225, 336.
- ....., Chief Justice of. *See* Bruce, James.
- ....., coins currency, silver, 142 p. 89.
- ....., Commission of Bishop of London omitted from Lord Howe's instructions, 38.
- ....., ....., inserted in Instructions for new Governor, 49.
- ....., cotton, duty on, 29.
- ....., Council of, 289.
- ....., ....., appointment of Charles Dunbar as Councillor Extraordinary, 210.
- ....., ....., Committee upon officers' fees, report from, 335, 335 i.
- ....., ....., Committee's report on conditions in the Island, 183 pp. 118–121, 188.
- ....., ....., Committee upon Sta Lucia, St. Vincent and Dominico, extract from report of, 293, 293 i.
- ....., ....., ....., extract from depositions concerning, 293 ii.
- ....., ....., hearing of Mr. Edlington's case, 443.
- ....., ....., minutes of, 51, 183 p. 122, 188.
- ....., ....., numbers of, report required, 399.
- ....., Council and Assembly, 29.
- ....., ....., minutes of, 396 i.
- ....., Councillors. *See* Weekes, Ralph; Maxwell, Thos.; Gollop, John; Peers, Henry; Ashley, John; Maycock, John; Harrison, Thomas; Dottin, Abel; Dottin, James; Terrill, Colonel; Haggatt, Othniel; Dunbar, Charles; Colleton.
- ....., Court of Error, appeals to, 336.

Barbados—*cont.*

- ....., Court, Exchequer, appeals against findings of, 335, 336.
- ....., case of Rawlin and Warren heard in, account of, 335 p. 225, 336.
- ....., Custom House officers in, 399.
- ....., complaint concerning, 51, 183 p. 121.
- ....., seizures by, 335, 336.
- ....., defence of, 51.
- ....., proposal to fit out small vessels for, 183 pp. 118, 119.
- ....., Deputy Secretary of. *See* Duke, William.
- ....., exports and imports of, enquiry into duty on, 142 p. 88.
- ....., fees in, (Queen Anne's reign) account of, 289.
- ....., settlement of, 289.
- ....., forts and fortifications of, 142 p. 89.
- .....,  $4\frac{1}{2}$  per cent. duty in, 51.
- ....., alteration in method of collection, 202, 203.
- ....., amount raised by, 142 p. 89.
- ....., collection of, 399.
- ....., French inhabitants of Sta Lucia, increase in numbers of, 406.
- ....., Government of, annual expenses of, 142 ii.
- ....., Governor of. *See* Howe, Lord ; Kendall, Colonel ; Worsley, Henry.
- ....., Grand Jury, address of, 203, 275, 494 iii, iv, v.
- ....., Clerk of. *See* Hall, Benjamin.
- ....., horses, trade in, 183 p. 119.
- ....., laws laying duties on trade and shipping of Great Britain, negroes imported or exported, wines, goods and shipping *etc.*, account of, 142 iii.
- ....., reply to, queries concerning, 142.
- ....., merchants of, consultation with, 399.
- ....., report from, 183 pp. 119–121.
- ....., naval squadron at, 183 p. 121.
- ....., negroes, duty on, enquiry into, 142 p. 88.
- ....., officers' fees in, 335, 335 i.
- ....., account of, required, 275.
- ....., enquiry into, 323.
- ....., poverty of, 142 p. 88, 202.

Barbados—*cont.*

- ....., prayers for Royal Family, alteration in, 395.
  - ....., Prerogative of the Crown, infringement of, 443, 479.
  - ....., President, Council and Assembly of, address from, 202, 204, 275.
  - ....., provisions for, complaint concerning, 183 p. 119.
  - ....., public papers, delay in transmitting, 493, 494.
  - ....., revenue of, 335, 336.
  - ....., from duties and taxes, account of, 142 i.
  - ....., rum, duty on, 183 p. 120.
  - ....., Sta Lucia, St. Vincent and Dominico under Government of, 108.
  - ....., ships seized by French, complaint concerning, 493, 494, 494 i, ii ; *and see* *Scipio* ship.
  - ....., state, condition, and trade of, enquiry in, report of Committee upon, 183 pp. 118–121, 188.
  - ....., stores of war for, 29, 142 p. 89.
  - ....., arrival of, 183 p. 121, 202.
  - ....., payment for small arms, 142 p. 89.
  - ....., receipt of cannon, 275.
  - ....., small arms needed, 183 p. 121, 202.
  - ....., thanks for, 202, 203.
  - ....., Sugar, duty on, seizures on account of, 335, 336.
  - ....., sugar trade, competition with French, 183 p. 120.
  - ....., Surveyor General of, report by, 399 ; *and see* Edlington, John ; Woodroffe, Joseph.
  - ....., taxation in, 142 p. 88.
  - ....., trade of, with Africa, 204.
  - ....., with Ireland, 204.
  - ....., with Madeira, 204.
  - ....., with Northern Colonies, 204.
  - ....., depressed condition of, 51.
  - ....., illegal, with French, 290 i, ii.
  - ....., Treasurer of, accounts of, 183 p. 122, 183 v ; *and see* Bignall, Jno.
  - ....., Treasury of, orders on unpaid, 142 ii.
- Barnstaple, ships for Newfoundland from, 119 i (47).
- Basle, 268.
- Benjamin* brigantine, recruits for the Bahamas on board of, 394.



BERMUDA, Act laying duties on liquors, negroes, and trade and shipping of Great Britain, account of, 211 i.  
 . . . . ., Act for laying a duty upon the whale fishery, for the use of H.E. the Governor in lieu of the benefits formerly accrued to this said Excy. thereby, referred, 47.  
 . . . . ., Act to prevent vexatious suits and limiting the time of returning executions etc., referred, 47.  
 . . . . ., Act for raising a sum of money for payment of the public debts, referred, 47.  
 . . . . ., Act for renewing the Act to prevent hauling fish by any other contrivance, referred, 47.  
 . . . . ., Acts of, transmitted, 57.  
 . . . . ., Council, President of. *See* Trimmingham, John.  
 . . . . ., . . . . ., vacancies in, 57.  
 . . . . ., Councillors. *See* Jennings, John ; Darrell, John ; Hunt, Richard ; Spofferth, Samuel ; Sherlock, Samuel ; White, Leonard, Senr. ; Jennings, Richard ; Trimmingham, John ; Tucker, Henry ; Auchineck, Andrew ; Jones, Francis ; Butterfield, John ; Butterfield, Nathaniel ; Dinwiddie, Robert ; Trott, Perient, Senr. ; Trott, Perient, Junr.  
 . . . . ., duties in, affecting British trade and shipping, reply to queries concerning, 211.  
 . . . . ., exports and imports, account of, 211.  
 . . . . ., Lieutenant Governor of. *See* Pitt, John.  
 . . . . ., salt raking on Turk's Island from, 454, 454 i.  
 . . . . ., sloop from, to protect salt raking on Turk's Islands, 454 p. 326.  
 . . . . ., trade, illegal, with French, 454 pp. 326, 327.  
 Bidford, ships for Newfoundland from, 119 i (47).  
 Bilbao, fish from Canso for, 450 i.  
 Boston, 117.  
 . . . . ., church at, gifts for, 194.  
 . . . . ., conference with Penobscot Indians at, 375 ii (c), (d).  
 . . . . ., Court, Vice-Admiralty, decrees in case of *Jesus Maria Joseph* Spanish ship, 152 i, ii.  
 . . . . ., . . . . ., judge of. *See* Auchmuty, Robert.  
 . . . . ., Lieut. Governor Armstrong's publication at, 384.

Boston—*cont.*

. . . . ., sack ships at Canso from, 166 iv.  
 . . . . ., Scheme for a bank for circulating cash notes, consideration of, 81.  
 Boston Gazette, copies of, 321 i, ii, 322 i.  
 Brazil, method of preparing tobacco in, Captain Ball's proposal concerning, 31.  
 Bristol, City of, proposed as Trustee for settlement of Nova Scotia, 331.  
 . . . . ., copies of Carolina duty-on-negroes Act sent to, 3.  
 . . . . ., letter from, concerning Carolina, 7.  
 . . . . ., memorials and petitions from, concerning Newfoundland, 389 p. 281.  
 . . . . ., merchants trading with South Carolina, objection to Appropriation Act, 21, 88.  
 . . . . ., . . . . ., petition of, 7, 7 i.  
 . . . . ., merchants trading with Jamaica, memorial and proposal of, 148 i.  
 . . . . ., merchants trading with New Jersey, objection to Act, 154.  
 . . . . ., . . . . ., petition of, 64.  
 . . . . ., merchants trading with New York, petition of, 54 i.  
 . . . . ., sack ships at Canso from, 166 iv.  
 . . . . ., Society of Merchant Adventurers, memorial from, 495, 496.

# C

Cadiz, 71.

. . . . ., fish from Canso for, 450 i.  
 . . . . ., merchant ships and convoy from, 469.  
 Campeachy Bay, logwood trade at, 90.  
 . . . . ., South Sea Company at, 90.  
 CANADA: *and see* France and the French, expedition from Rhode Island to, 369.  
 . . . . ., forces from, reinforce French on Mississippi River, 381.  
 Canary Islands, wine for the Plantations from, 497 i.  
 . . . . ., . . . . ., imported direct, 437.  
 Canso, account of conditions in, 195, 199.  
 . . . . ., cod fishing, state of, 166 iii, 450 i.

Canso—*cont.*

- ....., Commandant of, complaints against, 117; *and see* Aldridge; Mascarene.
- ....., Commissary of the Musters sworn in, 384.
- ....., conditions in, 340.
- ....., defence of, importance of, 195, 199.
- ....., duties payable at, 112, 384.
- ....., fishery, 199.
- ....., cullers of fish proposed for, 9.
- ....., encouragement for, 117.
- ....., encroachments by French on, complaint concerning, 9.
- ....., fort for protection of, 384.
- ....., report upon, 384.
- ....., fishery and trade of, Heads of Enquiry into, reply to, 166 i, ii.
- ....., fortifications recommended for, 117, 199.
- ....., Heads of Enquiry relating to, 320.
- ....., inhabitants, English, number of, 112.
- ....., sack ships lading at, 166 iv.
- ....., whale fishery of, 117.
- ....., state of, 166 v, 450 ii.
- Cape Breton, account of forts and fortifications of, 166 ii (19).
- ....., batteries at, 166 ii (19).
- ....., encroachments on Canso fishery from, 9.
- ....., Governor of, meeting at St. John's Island with Indians, 166 ii (19).
- ....., Port Dauphin, 166 ii (19).
- ....., Port Toulouse, 166 ii (19).
- ....., state of strength, trade and fishery of, 166 ii (19).
- ....., strength of French at, 22 p. 15.
- Cape Caspy, French encroachments on fishery at, 9.
- Cape Sables, Tibogue, *Baltimore* brigantine struck at, 340.
- ....., Indians, letter to Chief of, 340.
- Caribbean Islands, French (Martinique, Guadaloupe, Grandterre, Marigalante Les Saintes, La Grande Grenade, Les Grenadines, St. Vincent, Sta Lucia, Dominico), list of men fit to bear arms in, 102, 103.
- CAROLINA, Assembly of, 3.
- ....., Assemblies in, encroachments by, after purchase by the Crown, 471, 471 i.
- ....., proposals concerning, 471, 471 i.
- ....., extract from letter from, 3.
- CAROLINA, NORTH, Act for ascertaining and regulating publick officers' fees and offices, 410 iv.
- ....., Act, Biennial, copy of, 410 ii.
- ....., observations upon, 410 p. 308.
- ....., repeal of urged, 410 p. 308, 471 i.
- ....., Act, powder, 451.
- ....., Act for providing *H.M. a rent roll, for securing H.M. quit rents for the remission of arrears of quit rents and for quieting the inhabitants in their possessions and for the better settlement of H.M. Province of North Carolina*, clauses proposed, copy of, 141 i.
- ....., clauses remedying frauds and injuries rejected by Council, 141 p. 86.
- ....., effect of, 141 p. 85.
- ....., heads of, transmitted, 20, 20 i.
- ....., copy of, 20 ii.
- ....., passed in Assembly and rejected by Council, 410 iii.
- ....., proposed, 104.
- ....., rejected by Assembly, 471 p. 351.
- ....., rejected by Council, 20.
- ....., Acts of, copies transmitted, 192.
- ....., papers relating to, 444.
- ....., referred, 414, 451.
- ....., transmitted, 451.
- ....., validity of, referred, 20.
- ....., Acts for issuing paper bills since 1722–1734, analysis of, 410 i.
- ....., Albemarle County, arrears of quit rents in, 192.
- ....., number of members for, 410 p. 308.
- ....., tenure of land in, 133 p. 79.
- ....., Assembly of, 141 p. 86.
- ....., Biennial, 471 p. 350.
- ....., bounty on tar, 104.
- ....., friendly attitude towards Swiss settlers recommended, 271.
- ....., instructions concerning lands for Swiss settlers, 301.
- ....., proposed alteration in representation, 471 i.
- ....., Bath, post of Collector of Customs at, vacant, 358; *and see* Wimble, James.
- ....., Bath County, arrears of quit rents in, 192.
- ....., paid at, 471 i.
- ....., lands in, 132.



Carolina, North—*cont.*

- ....., Bertie and Edgecombe precincts, address of inhabitants of, 133.
- ....., blank patents in, 444, 451.
- ....., ....., account of procedure concerning, 151.
- ....., ....., case of, 20, 20 iii.
- ....., ....., referred, 89.
- ....., ....., charges against holders of, 192; *and see* Moseley; Moore.
- ....., ....., day book kept by Mr. Little, 212.
- ....., ....., enquiry into, alleged frauds in, 141 p. 86.
- ....., ....., Governor Burrington's remarks upon, 132, 134.
- ....., ....., history of issue of, 141 p. 86.
- ....., ....., opinion upon, 104.
- ....., ....., statement concerning, 132.
- ....., ....., specimens of, in Mr. Little's custody, 151.
- ....., ....., validity of, importance of settling, 410 p. 305.
- ....., ....., ....., proposals for settling, 410 p. 305.
- ....., ....., boundary with South Carolina, description required, 104.
- ....., ....., draft of, required, 451.
- ....., ....., estimate of charges for defining, 410 p. 308.
- ....., ....., settlement of, 39, 39 i.
- ....., ....., boundary of, with Virginia, charges of running, 141 p. 85.
- ....., ....., Cape Fear, Councillors resident at, 471 p. 352.
- ....., ....., post of Collector of Customs at, vacant, 358; *and see* Wimble, James.
- ....., ....., Cape Fear River, industries of settlers on, 104.
- ....., ....., lands at head of, conditions for grants of, 465.
- ....., ....., lands for Swiss settlers at, 244, 252.
- ....., ....., and Nells River, proposal for settlement on, 241 i, 251; *and see* McCulloh, Henry.
- ....., ....., Newton, payment of quit rents at, 471 i.
- ....., ....., representation of inhabitants of, 141.
- ....., ....., shipping on, 104.
- ....., Cataukne Creek, 244.
- ....., Charter of, 133 p. 79, 192, 471 p. 350.
- ....., ....., copies of, 444.
- ....., ....., validity of Acts passed under, 451.

Carolina, North—*cont.*

- ....., Chief Justice of. *See* Hanmer, Daniel; Smith, E.
- ....., coins, currency in, account of, 410 p. 308, 410 i.
- ....., Council of, blank patents signed in, 151.
- ....., ....., minutes of, 191 i.
- ....., ....., form of patent in, 471 p. 352.
- ....., ....., proposals for preserving the revenue made by, 471 i.
- ....., ....., proposals for stabilizing possessions of inhabitants in, 471 i.
- ....., ....., warrants and patents signed by, 132.
- ....., Council and Assembly, journals of, 191.
- ....., Councillors. *See* Ashe, John Baptiste; Stallard, James; Evans, Richard; Forbes, William; Innes, James; Ward-roper, Thomas.
- ....., Court, Chancery, difficulty in holding, 471 p. 352.
- ....., Court, Exchequer, in, 410 p. 307.
- ....., ....., ....., account of proceedings required, 104.
- ....., ....., ....., case of blank patent heard in, 20.
- ....., ....., ....., erection of, 141 p. 85, 191.
- ....., ....., ....., prosecutions in, 471 i.
- ....., ....., ....., question of power to erect, 20.
- ....., Courts in, location of, 471 i.
- ....., Curntuck and Carteret precincts elections in, 133, p. 78.
- ....., H.M. Customs in, suggestions for collection of, 364.
- ....., deer skins, in payment of quit rents, 410 p. 305.
- ....., Deputy Secretary of. *See* Foster, Robert.
- ....., Edenton, 133 p. 80.
- ....., ....., Court of Chancery, difficulty in holding at, 471 i.
- ....., ....., ....., proposal to move to Newbern, 471 i.
- ....., ....., gaol at, 165.
- ....., ....., payment of quit rents at, 471 i.
- ....., flax, as payment of quit rent, 471 i.
- ....., gaol in, enquiry concerning, 164.
- ....., ....., ....., reply to, 165.
- ....., General Assembly, register of, 192.

Carolina, North—*cont.*

....., German and Swiss settlers for, proposal for, 465.  
 ..... , Governor of. *See* Burrington, George; Johnston, Gabriel; Everard, Sir Richard; Eden; Archdale, John.  
 ..... , Governor and Council, order concerning purchase money for lands, 141, p. 85.  
 ..... , Governor's and officers' fees in, list of, 192, 192 i.  
 ..... , Governors of, method of blank patents introduced by, 444.  
 ..... , Grand Jury, address from, reply to, 133.  
 ..... , ..... , complaint concerning treatment of, by the Chief Justice, 133 p. 80.  
 ..... , The Hawfields, 241 i.  
 ..... , hemp and flax, in payment of quit rents, 410 pp. 305, 306, 471 i.  
 ..... , imports of, duty on, 192.  
 ..... , Indians, danger from, 133.  
 ..... , ..... , trading path of to the Mountains, 252.  
 ..... , ..... , war with, 132.  
 ..... , inhabitants of, independent attitude of, 471 p. 350.  
 ..... , land office in, 141 p. 86.  
 ..... , lands in, advantages of settlements on, 268 p. 171.  
 ..... , ..... , alleged frauds in blank patents for, reply to, 141.  
 ..... , ..... , application of purchase money, 141 p. 85.  
 ..... , ..... , conditions governing grants of, 260.  
 ..... , ..... , draft of patent for, 471 p. 351.  
 ..... , ..... , fees and patents for, 268.  
 ..... , ..... , fraudulent practices concerning, 191.  
 ..... , ..... , grants in, conditions governing, 260, 465, 471 i; *and see* McCulloh; Huey; Crimble.  
 ..... , ..... , petition for, 465.  
 ..... , ..... , neglect to take out grants or patents for, 471 i.  
 ..... , ..... , patents of, difficulty in confirming, 471 p. 352.  
 ..... , ..... , ..... , validity of title, 133, 471 i.  
 ..... , ..... , purchase warrants for, 132.  
 ..... , ..... , settlements on, details of proposal for, 241 i, 251, 260; *and see* McCulloh, Henry.  
 ..... , ..... , settlement of Swiss on, 238, 244, 252; *and see* Jenner, Samuel.

Carolina, North, lands in, settlement of Swiss on—*cont.*

..... , ..... , details of Scheme for, 238.  
 ..... , ..... , validity of grants under Lords Proprietors, 141.  
 ..... , ..... , near the Mountains, proposal to settle, 110; *and see* Ochs, John.  
 ..... , Lords Proprietors in, alterations in laws and regulations passed in time of, 371 i.  
 ..... , ..... , case of blank patents issued by, 132, 151.  
 ..... , ..... , grants of land made by, validity of, 133 p. 79, 141.  
 ..... , ..... , lands held under, payment of quit rents for, 471 p. 351.  
 ..... , ..... , seal of, defaced, 451.  
 ..... , ..... , ..... , enquiry concerning, 192.  
 ..... , ..... , naval stores in, 104.  
 ..... , ..... , proposal to increase, 241 i, 251.  
 ..... , Nells (Neus) River, (New River), 241 i, 244, 251, 252.  
 ..... , ..... , conditions governing grants of land at head of, 465.  
 ..... , Newbern, accessibility of, 471 p. 352.  
 ..... , ..... , payment of quit rents at, 471 i.  
 ..... , ..... , proposal to hold Chancery Court at, 471 i.  
 ..... , ..... , proposal to move Government offices to, 471 i.  
 ..... , Pedee River, conditions for grants of land at head of, 465.  
 ..... , powder duty, 192.  
 ..... , prerogative of the Crown, infringement of, 192.  
 ..... , Protestant settlers for, conditions governing grants to, 388 i, 456.  
 ..... , Provost Marshal in, 410 p. 306.  
 ..... , ..... , enquiry concerning, 164.  
 ..... , ..... , ..... , reply to, 165.  
 ..... , purchase by the Crown, 151.  
 ..... , ..... , question of grants of land under, 141.  
 ..... , quit rents in, 241 i, 260, 388 ii, 456.  
 ..... , ..... , arrears of, 104, 451.  
 ..... , ..... , ..... , collection of, 191, 192, 410 pp. 307, 308.  
 ..... , ..... , ..... , Receiver appointed, 191, 192.  
 ..... , ..... , complaint concerning, 471 p. 351.  
 ..... , ..... , dispute concerning, 133 pp. 79, 80.



Carolina, North, quit rents in—*cont.*

- ....., in 4s. Proclamation money, 465.
- ....., method of payment, 133 p. 79, 471 p. 351, 471 i.
- ....., papers relating to, 410.
- ....., payment in commodities 410 p. 305, 471 i.
- ....., payment in Proclamation money, 410 p. 306.
- ....., proposals concerning, 471 p. 351, 471 i.
- ....., Receiver General, 133 p. 79; *and see* Little, William; Allen.
- ....., accounts of, 141 p. 86, 410 p. 308.
- ....., objection to residence in South Carolina, 20; *and see* Hammerton, John.
- ....., payment of quit rents to, 471 p. 351.
- ....., receipt for deposits on blank patents from, 151; *and see* Little.
- ....., revenue of, 20, 410 p. 305.
- ....., proposals concerning, 471 i.
- ....., rice, in payment of quit rents, 410 pp. 305, 306.
- ....., Roanoak River, lands for Swiss settlers at, 252.
- ....., salt for, 454 p. 327.
- ....., Secretary of. *See* Lovick John.
- ....., settlement of Swiss in, conditions for, 301.
- ....., settlements in, proposed conditions for, 110.
- ....., Surveyor General of, 268; *and see* St. John, James.
- ....., Swiss settlers for, advantages of, 268.
- ....., Captain Burrington's observations upon, 268.
- ....., produce and manufactures of, 268.
- ....., proposal to naturalize, 268.
- ....., tar, making of, 104.
- ....., tobacco, as payment for quit rents, 410 pp. 305, 306.
- ....., trade of, prosperous, 104.
- ....., Trent River and Black River, proposal for settlement on lands near, 241 i, 251; *and see* McCulloh, Henry.
- ....., H.M. Woods in, punishment for damage to, 471 i.

CAROLINA, SOUTH, account of founding of province of, 483 i, p. 368.

Carolina, South—*cont.*

- ....., Act for applying the whole negro duty of ten pounds per head, money of that Province, without limitation, for bringing in Protestant settlers etc., copy required, 88.
- ....., objection to, 88.
- ....., Act (1710) for appointing a public Vendu-master, clause in, 145, 145 i.
- ....., Act for appropriating the sum of one hundred and four thousand seven hundred and twenty-five pounds one shilling and three pence farthing, towards paying the public debts (Appropriation Act), instructions concerning, 21 i.
- ....., to lie by probationary, 21, 130.
- ....., petitions against, 7 i.
- ....., repeal of urged, 21.
- ....., Act for the better regulating the Courts of Justice etc., repeal of, 262.
- ....., Act for calling in and sinking of paper bills, 21, 21 i.
- ....., Act for contracting with persons of substance and ability for settling townships, proposed, 128.
- ....., Act for laying an additional duty of £7 10s. per head on all negroes imported, criticism of preamble of, 3.
- ....., Act to prevent any delay of justice by not drawing juries etc., repeal of, 262.
- ....., Act prohibiting the use of rum among the Indians, effect of, 483 i, p. 375.
- ....., Acts concerning Indian affairs, interpretation of, 376 p. 265.
- ....., Acts laying duties on imports and exports, list of, 246 i.
- ....., Acts of, referred, 243.
- ....., transmitted, 167, 167 i.
- ....., Agent of. *See* Fury (Furye), P.
- ....., Altamaha River, a boundary with Florida, 484.
- ....., a boundary with Georgia, 376 p. 267.
- ....., grants of land on, instructions concerning, 477 i.
- ....., Indian settlements on, 416, 422.
- ....., question of English settlements on, 416.
- ....., St. Simon's Island, fort built at, 173.

Carolina, South, Alatomaha River—  
*cont.*

- ....., settlements on, dispute over, 348 xvii, 477.
- ....., Assembly of, 62.
- ....., address from, 504, 505.
- ....., instructions for erecting gaols in, 339 i.
- ....., journal of, 88.
- ....., Speaker of. *See* Jenys, Paul; Pinckney, C.
- ....., assistance for Georgia from, 184, 483 i, p. 368.
- ....., Attorney General of, approval of form of grant settled by, 123; and *see* Abercromby, James.
- ....., boundaries of, 391 i.
- ....., baronies in, 400, 400 i; and *see* Wragg; Beaufort, Duke of; Hodgson.
- ....., grants of, 146 i.
- ....., Beaufort Port Royal, list of ships entered and cleared at, 343 i.
- ....., boundary with North Carolina, 104, 451.
- ....., estimate of charges for defining, 410 p. 308.
- ....., settlement of, 39, 39 i.
- ....., boundaries of, dispute with Spaniards over settlement of, 416, 421, 422.
- ....., breaches of Treaty of Utrecht by Spaniards, 348 xiii.
- ....., Charles Town, 141 p. 85.
- ....., Council and Assembly at, 483 i.
- ....., list of ships entered and cleared at, 343 i.
- ....., memorial from merchants concerning Indian trade, 184, 184 ii.
- ....., packhorses' route from, 349.
- ....., naval officers' list of entries and clearings, 508.
- ....., supplies for Spaniards, stoppage of, 338.
- ....., complaint against Georgia, from, 483 i, p. 368.
- ....., Council of, 339 i.
- ....., Clerk of. *See* Bult, Wm.
- ....., President of. *See* Broughton, Thomas.
- ....., Council and Assembly, attitude towards Georgia, 376 p. 269.
- ....., case of St. Simon's Forts 421.
- ....., complaint against Georgia, petition concerning, 486.

Carolina, South, Council and Assembly  
—*cont.*

- ....., conference with Mr. Oglethorpe, 376 p. 269.
- ....., enquiry into complaints of Indian traders, 376 p. 263.
- ....., journal of, 167.
- ....., petition and representation from, 373 p. 263, 483 i.
- ....., Councillors of. *See* Wragg, Joseph; Wragg, Samuel; Izard, Ralph; Yonge, Francis; Colleton, John; Braithwaite, John.
- ....., Court Houses, repair of, 339 i.
- ....., Coweta, meeting of Indian traders at, 157 viii.
- ....., Craven County, baronies in, 400, 400 i.
- ....., Wipiauw, petition for lands in, 68 i.
- ....., defence of, 128.
- ....., Georgia a part of, 366.
- ....., proposal concerning, 62.
- ....., Deputy Naval Office, blank powers for, 149.
- ....., duties on strong liquors and negroes imported, application of revenue from, 21.
- ....., erection of gaol at, instructions concerning, 359.
- ....., exports and imports, list of, 246 i.
- ....., Fort Moore, 483 i, p. 374.
- ....., Georgetown, list of ships entered and cleared at, 343 i.
- ....., Georgia under administration of, 128, 129.
- ....., Georgia, complaint concerning Indian trade of, 486.
- ....., German settlers for, 400.
- ....., Governor of. *See* Johnson, Robert.
- ....., to be Commander in Chief of Georgia Militia, 157 p. 102, 184.
- ....., instructions, additional, for, 359.
- ....., draft of, 131.
- ....., letter to, 127.
- ....., Granville County, baronies in, 400, 400 i.
- ....., petition for lands in, 68 i.
- ....., Independent Company at, proposal to quarter on St. Simon Island, 62.
- ....., Indian merchants and traders, account of treatment from Georgia, 376.
- ....., Indian trade, 157 ix.
- ....., dispute with Georgia over, 376.



- Carolina, South, Indian trade—*cont.*  
 ....., ....., duty on skins and furs,  
     157 vi.  
 ....., ....., to be free, 483 i, p. 375.  
 ....., ....., and traders, memorial  
     and affidavits of, 184, 184 ii.  
 ....., Indian traders and merchants  
     from Great Britain, memorial  
     of, 157 vi, 376 p. 262.  
 ....., Indians, Cherokee, seizure by  
     Georgia of traders with, 376  
     p. 266.  
 ....., ....., trading with,  
     376 p. 264.  
 ....., ....., Treaty of Peace  
     and Commerce with, 376 p.  
     264.  
 ....., ....., Chicksaw, reported  
     attack upon, by French, 446,  
     447.  
 ....., ....., country of, Half Way  
     House, 157 ix.  
 ....., ....., Creek, alliance with  
     Britain, 348 xv.  
 ....., ....., complaint of mer-  
     chants and traders with, 157,  
     376 p. 262.  
 ....., ....., complaints against  
     Captain Mackay, 184, 184 ii.  
 ....., ....., expedition against  
     Spaniards and Appalachees,  
     account of, 348 xv, p. 241.  
 ....., ....., French intrigues  
     with, 349.  
 ....., ....., trade with,  
     hampered by Captain Mackay's  
     action, 157 p. 102.  
 ....., ....., Upper and Lower,  
     interference with traders to,  
     157 vi-xiii; *and see* Mackay,  
     Patrick.  
 ....., ....., hostilities against  
     Spaniards, 348 xii.  
 ....., ....., lands of, dispute con-  
     cerning, 477.  
 ....., ....., encroachments  
     upon, 477, 477 i.  
 ....., ....., importance of friendly  
     relations with, 483 i, p. 369.  
 ....., ....., trade with, encroach-  
     ments by Georgia upon, com-  
     plaint concerning, 483 i.  
 ....., ....., traders with, Captain  
     Mackay's instructions to, 157,  
     157 i-xiii.  
 ....., ....., war with, 2 i, 255.  
 ....., Land Office, closing of, 146 i.  
 ....., lands in, grants of, 2 i, ii.  
 ....., ....., dispute concerning,  
     477.  
 ....., ....., to Joseph and  
     Samuel Wragg, 466.
- Carolina, South, lands in, grants of—  
*cont.*  
 ....., ....., under Lords  
     Proprietors, opinion on wording  
     of letters patent, 174; *and see*  
     Hodgson.  
 ....., ....., settlements on, petition  
     concerning, 68 i; *and see*  
     Wragg.  
 ....., ....., Spanish claim to, 416,  
     421, 422.  
 ....., lands near the Alatamaha  
     River, grant of, dispute with  
     Georgia over, 484.  
 ....., ....., petition concerning,  
     196 i.  
 ....., lands within six miles of town-  
     ships in, settlement of, 62, 128.  
 ....., Lieutenant Governor and  
     Council, request from Georgia  
     for negroes, 170.  
 ....., Lieutenant Governor, Council  
     and Assembly, memorial to,  
     concerning Indian trade, 157 vi.  
 ....., Lords Proprietors of, baronies  
     granted by, 146 i.  
 ....., ....., land granted by, 2 i, ii.  
 ....., ....., Land Office closed by,  
     2 i.  
 ....., ....., objection to, 471 p. 350.  
 ....., magistrates of, complaint  
     against, from Carolina, South,  
     376 p. 262.  
 ....., May River, 68 i.  
 ....., naval officer in. *See* Wheatley,  
     Samuel; Fox, Joseph.  
 ....., negroes, for Georgia, request  
     for, 173.  
 ....., ....., duty on, objection to,  
     3, 7, 7 i, 88.  
 ....., paper credit, unsettled state  
     of, 21.  
 ....., Port Royal, attack on Lord  
     Cardross's settlement by  
     Spaniards, 348 xv.  
 ....., ....., expenses of fortifications  
     at, 369.  
 ....., potash, manufacture of, 255.  
 ....., President and Commander in  
     Chief of, letter to, 421; *and see*  
     Broughton, Thomas.  
 ....., prison for, instructions for  
     erecting, 339 i.  
 ....., Provost Marshall, of. *See*  
     Morley, George.  
 ....., Purrysburgh, 326 p. 266.  
 ....., ....., lands within six miles of,  
     Governor's instruction concern-  
     ing, 45.  
 ....., ....., settlement at, 483 i,  
     p. 373.  
 ....., ....., Swiss settlers at, 3.

Carolina, South—*cont.*

- ....., quit rents in, 62, 128.
- ....., ....., in 4s. Proclamation money, 466.
- ....., ....., payment of, 471 p. 351.
- ....., relations with Spanish in, 391 i, p. 283.
- ....., rice, 410 p. 306.
- ....., rum, complaint of seizure of, by Georgia, 483 i, p. 374.
- ....., ....., dispute with Georgia concerning trade in, 376 p. 268.
- ....., ....., trade with Indians in, effect of legislation on, 483 i, p. 375.
- ....., rumours of French attack upon, 349.
- ....., St. Juans River, Indian settlements at, Spanish claims upon, 416, 422.
- ....., St. Simon's Fort. *See under* Georgia.
- ....., St. Simon Island, fortification and garrison for, 128.
- ....., ....., proposal to fortify, 62.
- ....., Savannah, bailiff of, support for Captain Mackay, 157 p. 102.
- ....., Savannah Old Town, 483 i, p. 373.
- ....., Savannah River, a boundary, 376 p. 267, 483 i, p. 373.
- ....., ....., and Alatomaha River, boundaries of Georgia, 157 p. 101.
- ....., ....., fort and garrison at, stoppage by Georgia of passage of ships on, 376 p. 267.
- ....., ....., free passage on, 483 i, p. 375.
- ....., Savannah Town, dispute with Georgia over goods for, 376 p. 268.
- ....., sawmills in, 255.
- ....., ....., scheme for building, 2 i.
- ....., settlements in, 68 i; *and see* Pury; Wragg.
- ....., ....., Mr. Oglethorpe's proposals concerning, 62.
- ....., settlers for, provision for, 3, 7 i.
- ....., settlers from Switzerland for, 238.
- ....., Sinking Fund, 21.
- ....., Spanish encroachments in, 348 i.
- ....., Surveyor General of. *See* St. John, James.
- ....., Swiss settlers in, dissatisfaction of, 268.
- ....., ....., provision for, 21.

Carolina, South—*cont.*

- ....., Vendu-Master, Act constituting, 145; *and see* Badenhop, Jesse; Cruttenden, Nathaniel.
- ....., ....., blank powers for, 149.
- ....., Winyaw, list of ships entered and cleared at, 343 i.
- ....., witnesses in case against Governor FitzWilliam examined in, 484.
- Carthage, Spanish at, 469.
- ....., trade with Jamaica, 148 i, p. 92.
- Cat Island, one of the Bahamas, Captain Coram's proposal for settling Protestants on, 22.
- ....., ....., under Government by Trustees, 22 p. 14; *and see under* Nova Scotia.
- ....., ....., list of requirements for, 22 p. 17.
- ....., proposed form of Government for, 22 p. 15.
- ....., quit rents, proposal to pay in cotton, 22 p. 13.
- Chancery, H.M. Court of, Act in Antigua contrary to jurisdiction of, 60 p. 38.
- Commons, House of, address of, 242.
- ....., ....., lists of papers prepared in accordance with, 242 i.
- ....., ....., enquiry concerning Jamaica, 215.
- CONNECTICUT: Act *concerning free trade etc.*, explanation of, 139.
- ....., Act laying a duty of fourpence per gallon on rum, 139.
- ....., Acts of, transmitted, 139.
- ....., Agent for. *See* Ashurst, Sir Henry.
- ....., Assembly, Act concerning Indian lands, 300 ii, p. 203.
- ....., Charter of, definition of Indian lands under, 300 ii, p. 203, 318.
- ....., coins currency, paper money, 370.
- ....., ....., reply to queries concerning, 377.
- ....., Commission of Review of case of Mohegan Indians appointed (1706), 332 i.
- ....., ....., proposal for new one (1736), 332 i.
- ....., Commissioners appointed to settle dispute with Mohegan Indians, petition against decree of, 332 i, 333.
- ....., Court of Commissioners for Indian affairs, appointment of, 300 i, ii, 318.



Connecticut, Court of Commissioners for Indian affairs—*cont.*  
 ..... refusal to comply with findings of, 300 ii, p. 204, 318.  
 ..... early settlement of, assistance and friendship of Mohegan Indians, history of, 300 ii.  
 ..... Government of, Treaty with Mohegan Indians, 300 ii, p. 202.  
 ..... not kept, 318.  
 ..... Governor and Company of, order for restoration of Indian lands, issued to, 300 i, ii.  
 ..... not complied with, 318.  
 ..... petition of (to Queen Anne), 333.  
 ..... Indian lands in, charges against Government concerning, enquiry into, 300 i, ii, 318.  
 ..... survey of boundaries of, 300 ii, p. 203.  
 ..... Indians, Mohegan, complaint by Chief Sachems against Government of, 300 i, ii, 318.  
 ..... dispute with, 332 i, 333.  
 ..... encroachments on lands of, 300, 300 i, ii, 318.  
 ..... gifts from Charles II for, 300 ii, p. 202.  
 ..... guardian of, appointed by Court of Commissioners, 300 i, 318; *and see* Mason, John.  
 ..... Chiefs sent to England by, 300 i.  
 ..... order for restoration of lands of, not complied with, 300 i, ii.  
 ..... Narraganset, danger to early settlers from, 300 ii, p. 202.  
 ..... Pequot, unfriendly to early settlers, 300 ii, p. 202.  
 ..... war with, 300 ii, p. 202.  
 ..... Stonington, Court of Enquiry into Mohegan Indian complaints held at, 300 ii, p. 203, 318.  
 Cowes, H.M. Custom House at, 268.  
 Crab Island, proposal to settle inhabitants from Leeward Islands on, 190.  
 ..... scheme for settlement on, details of, 190.  
 Cuba, 348 i, p. 235.  
 ..... French and Spaniards at, 22.  
 ..... trade with Jamaica, 148 i, p. 92.  
 Customs, H.M. Commissioners of, copy of Governors' instructions sent to, 437.

Customs, H.M. Commissioners of—*cont.*  
 ..... fees in New England, 353.  
 ..... letter from, 72.  
 ..... letter to, 63, 364.  
 ..... representation to, from Barbados, 51.

## D

Dartmouth, memorials and petitions from, concerning Newfoundland, 389 p. 281.  
 Denmark and the Danes, at Sta Cruz, encouragement to inhabitants from the Leeward Islands, by, 406.  
 ..... settlements on, and on St. John's and St. Thomas, 60 p. 35.  
 ..... effect on Leeward Islands, 329 p. 220.  
 ..... Sta Cruz sold by French to, 60 p. 35.  
 Diamond, H.M.S., in West Indies, 183 iii, 188 iv.  
 ..... Commander of. *See* Herbert.  
 Dolphin, sloop of Antigua, seizure of, 361, 474 i.  
 Dominico, British and French title to, 108.  
 ..... Commandant of. *See* Le Grand, Mons.  
 ..... Dolphin sloop seized by French at, 361.  
 ..... evacuation of, 108, 183 i, 188, 188 i, 275, 303.  
 ..... French evasion of order for, 293.  
 ..... French at, 399, 460.  
 ..... French families settled on, 108, 361.  
 ..... French seizure of British ships at, 460.  
 ..... increase of French at, 438.  
 ..... order for evacuation of, ignored, 102, 103.  
 ..... title to, British and French claims, 102, 103.

## E

Eagle Galley snow, seizure of at Placentia, 119 i (7).

Europe, tobacco trade of, with Virginia, 31.  
Exon, sack ships at Canso from, 166 iv.

**F**

*Falkland*, H.M.S., for Newfoundland, 320.  
*Faulconbridge* (*Faulconbrigg*) ship, cargo of, 432.  
....., charges against Governor FitzWilliam concerning, 482.  
....., Commander of. *See* Clough William.  
*Fleurion*, French ship, case of, 455, 474.  
....., seizure of, 435.  
....., charges against Governor Mathew concerning, 431, 460.  
....., memorial concerning, 490 i.  
....., not justified, 490 i, p. 380.  
....., papers relating to, 460 i-vi.  
Florida, Alatomaha River a boundary, 484.  
....., boundaries of, 391 i.  
....., dispute over, 348 i, p. 235, 348 ii, iii.  
....., Captain General of, letter to, 348 i.  
....., Picolata, Spanish soldier murdered at, 348 xi.  
....., relations with South Carolina and Georgia, 391 i, p. 283.  
....., St. Simon's Fort claimed by, 421.  
....., settlement of, under Treaty of Madrid, 421.  
....., settlements in, petition concerning, 477.  
....., Spanish at, 416, 421, 422.  
....., attack on Georgia from, 469.  
....., Talapurez, alleged encroachment at, 348 iii.  
....., Velevez, alleged encroachment at, 348 iii.  
....., Gulf of, British man-of-war on the Collorodo's in, 71.  
....., position of the Bahamas in relation to, 439.  
*Fortune*, French ship, case of, 435, 474.  
....., memorial concerning, 435 i.  
....., Commander of. *See* Hardouins, James.

*Fortune*—*cont.*  
....., seizure of, 296 p. 193.  
....., charges against Governor Mathew concerning, 460.  
....., memorial concerning, 490 i.  
....., papers relating to, 460 i-vi.  
*Fortune* sloop, French ships seized by, 367.  
*Fox*, H.M.S., at Barbados, 275.  
....., Commander of. *See* Reddish, H.  
....., in West Indies, 183 i-iv, 188 i, iv.  
FRANCE AND THE FRENCH: *and see under* separate Colonies, in South Carolina, Albasas Fort threatened by, 157 v, vii.  
....., reported attack on Chicksaw Indians by, 446, 447.  
....., danger from, in the Caribbean Islands, 102, 103.  
....., to Sugar Colonies, 293, 454 p. 326.  
....., depredations of, in the Bahamas, 22.  
....., Edict by Louis XV, protest against, 296.  
....., encroachments by, 108, 296.  
....., on Canso fishery, 9.  
....., in Georgia, intrigues with Indians, 349.  
....., Guard de Côte, seizure of *Dolphin* sloop by, 361.  
....., Indian trade of, rum supplied for, 483 i, p. 375.  
....., Indians, charges of interference with, 157 v-vii.  
....., Chicksaws, attacked by, 381.  
....., friction with, in Georgia, 157 p. 101.  
....., intrigues with, 381.  
....., Mohawk, Governor Belcher's meeting with, 311, 311 i.  
....., trade with, 376 p. 264.  
....., interference with British trade and shipping, complaints of, 490 i, 493, 494, 495, 496.  
....., in the Leeward Islands, measures to prevent illegal trade with, 361.  
....., on the Mississippi, engagements with Indians, 349.  
....., reinforced by Indians, 381.  
....., rumoured preparations for war at, 349.  
....., in Newfoundland, complaint concerning fishery of, 389 p. 280.



France and the French, in Newfoundland—*cont.*  
 ..... , competition with fishery, 119 i (60-62).  
 ..... , settlements in, 389 p. 278.  
 ..... , violation of Treaty of Utrecht, 389 p. 278.  
 ..... , in Nova Scotia, complaints against, 462.  
 ..... , encroachments by, 22 p. 15.  
 ..... , intrigues with Indians, 195, 199.  
 ..... , rumours of war with, 381.  
 ..... , Sta Cruz sold to the Danes by, 60 p. 35.  
 ..... , Sta Lucia, evasion of evacuation order, 378, 378 i, ii.  
 ..... , explanation of, 275.  
 ..... , Sta Lucia, St. Vincent and Dominico, 399.  
 ..... , claim to, 102.  
 ..... , order for evacuation ignored, 102.  
 ..... , salt for Newfoundland from, 119 i (7).  
 ..... , seizure of British ships by, 183 p. 118, 296 p. 193, 445, 474.  
 ..... , complaints concerning, 490 i, 493, 494, 494 i, ii.  
 ..... , list of, 474 i.  
 ..... , restitution of, 455, 457 i, iv, xiii; *and see Humility.*  
 ..... , seizure of ships belonging to, 367, 455; *and see Fleuron; Fortune.*  
 ..... , complaints and memorials concerning, 435, 490 i.  
 ..... , under Treaty of Peace and Neutrality, 431.  
 ..... , settlements of, danger from, 148 i.  
 ..... , shipping and trade in the Plantations molested by, 473, 474.  
 ..... , strength of, at Cape Breton, 166 ii (19).  
 ..... , sugar trade of, 102.  
 ..... , interference with British, 361.  
 ..... , trade of, advantages over British, 142 p. 88.  
 ..... , illegal, with Barbados, prevention of, 290 i, ii.  
 ..... , with Bermuda, 454 p. 327.  
 ..... , in Newfoundland, 119 i (7), (48).

France and the French—*cont.*  
 ..... , trade with Montserrat, Act to prevent, 473, 474.  
 ..... , Treaty of Peace and Neutrality, evasion of, 296 pp. 193, 194.  
 ..... , war with, support of Indians during, 300 ii, p. 203.  
 ..... , in West Indies, increase in settlements of, 183 p. 118, 188.  
 Fundy, Bay of, alterations in boundaries at, 116.  
 ..... , block house for, 117.  
 ..... , French intrigues in, 195, 199.  
 ..... , grant of lands and mines in, 384, 384 i.  
 ..... , inhabitants of, character of, 117.  
 ..... , lands for Governor Hart's settlement on, patent for, 199.  
 ..... , map of a peninsula in, 116 ii.  
 ..... , visit of Lieutenant Governor Armstrong to, 195, 199.

## G

Genoa, fish from Canso for, 450 i.  
 GEORGIA, *Act for maintaining the peace with ye Indians in the Province of Georgia*, approved, 487 i-iii.  
 ..... , claims to grant licences under, complaint concerning, 376 p. 263.  
 ..... , confirmation of, 129 i, 138, 138 i.  
 ..... , *Act for maintaining the peace with the Indians*, copy of, 129.  
 ..... , interpretation of, 376 pp. 263-265.  
 ..... , *Act for preserving peace and friendship with Indians*, protest from South Carolina concerning, 483 i, p. 370.  
 ..... , *Act to prevent the importation and use of rum and brandies in the province of Georgia*, approved, 487 i-iii.  
 ..... , effect of, 483 i, pp. 373, 374.  
 ..... , ships on Savannah river seized under, 376 p. 267.  
 ..... , *Act prohibiting the importation of black slaves*, approved, 487 i-iii.

Georgia—*cont.*

- ....., Act for the regulation of trade with Indians, 184.
- ....., administered from South Carolina, 128.
- ....., Agent for Indian affairs. *See* McKay, Patrick.
- ....., Alatomaha River, a boundary, 483 i, p. 373.
- ....., a boundary with Spanish territory, 484.
- ....., dispute over, 349.
- ....., alleged attack on St. Augustine fort from, 391 i.
- ....., Amelia Island, fertility of, 348 i, p. 235.
- ....., annual accounts of, transmitted, 184.
- ....., assistance for, from South Carolina, 483 i, p. 368.
- ....., gratitude for, 184.
- ....., attack by Spaniards from Havana feared, 348 xiv.
- ....., boundaries of, 376 p. 267, 391 i.
- ....., dispute with Spain over, 348 i, p. 235, 348 ii, iii, 349.
- ....., Charter of, 157 p. 101, 184, 376 p. 267, 483 i, p. 372.
- ....., Cumberland Island, explanation of name, 348 i, p. 235.
- ....., garrison of Highlanders at, 348 i, p. 235.
- ....., danger from Indians, French and Spaniards, 157 p. 101, 338.
- ....., defence of, 348 i.
- ....., petition for stores of war for, 65 i.
- ....., Edistow, 348 i, p. 235.
- ....., fort built in Indian country, 184.
- ....., forts and fortifications of, 348 i, pp. 325-6.
- ....., Frederica, 348.
- ....., no Spanish settlements near, 348 xvii.
- ....., good relations with French and Spanish, importance of 184.
- ....., history of discovery and settlement of, 348 xv.
- ....., Independent Company for defence of, 348 xiv.
- ....., Indian trade, 157 v, ix.
- ....., complaint from South Carolina concerning, 483 i, 486.
- ....., difficulty in carrying on, 349.
- ....., Indian traders' complaint against, 376 p. 262.
- ....., Indians in, 348, 348 i, iii, vii, x, xi, xii, xiii.

Georgia, Indians in—*cont.*

- ....., armed force sent into country of, 483 i, p. 370.
- ....., assistance from, against Spain, 348 i, p. 235; *and see* Tomachichee; Tooanhowi.
- ....., charges against, by Spaniards, 348 vii, x.
- ....., charges of Captain Mackay's interference with French, 157 v.
- ....., dependence on British, 416.
- ....., Cherokee, seizure of South Carolina traders to, 376 pp. 266, 269.
- ....., French and Spanish intrigues with, 157 p. 101, 349.
- ....., friendly disposition of, 348 i.
- ....., settlements of, enquiry concerning, 416.
- ....., Spanish intrigues with, 338.
- ....., Tallapoochees, 348 vii.
- ....., trade with, 184.
- ....., Uchees, 348 vii.
- ....., inhabitants, complaint concerning conduct of, 484.
- ....., Spanish complaints against, 416, 421.
- ....., King George Fort, establishment of, 416.
- ....., lands south of Alatomaha River, question of grants of, petition concerning, 196 i.
- ....., Magistrates, power to grant licences for Indian trade, dispute concerning, 376.
- ....., Magistrates and population, complaint from South Carolina against, 483 i, p. 368.
- ....., memorial of British title to, 348 xv.
- ....., merchants of, intrigues of, 349.
- ....., militia in, under command of Governor of South Carolina, 157 p. 102, 184.
- ....., illegal use of, 157 p. 102.
- ....., negroes for, request for, 170.
- ....., Palachocolas Fort, Uchee Indians settled at, 348 xii.
- ....., population of, conduct of, 349.
- ....., relations with Spanish at Florida, complaint concerning, 391 i, 392.
- ....., rum, imports of prohibited, 376 p. 267.
- ....., seizures of, complaint concerning, 483 i, p. 374.
- ....., rum trade of South Carolina, dispute concerning, 376 p. 268.



Georgia—*cont.*

- ....., rumours of French preparations against, 349.
- ....., St. George's Point, boundary at, 348 p. 235.
- ....., fort for, 348 i, p. 236.
- ....., Spanish demand for, 349.
- ....., St. Simon's Island, dispute with Spain over title to, 349.
- ....., fort built at, 170, 348 i, p. 235, 391 i.
- ....., dispute concerning, 421.
- ....., history of occupation of, 421; *and see* Massey, Captain.
- ....., negroes for, 173.
- ....., Savannah, Bailiff's support of Captain Mackay, 157 p. 102.
- ....., Indian trading licences issued at, 483 i, p. 372.
- ....., support for settlers at, 348 xiv.
- ....., town on South side of river, 376 p. 268.
- ....., Savannah River a boundary, 483 i, p. 373.
- ....., Magistrates of, navigation restricted by, 483 i, p. 372.
- ....., Secretary. *See* Verelst, Harman.
- ....., settlements in, 68 i.
- ....., Spaniard murdered in, 184.
- ....., stores of war for, petition for, 463.
- ....., threats to, from Spanish, 469.
- ....., trade of, with Indians, 157 pp. 101, 102.
- ....., Treasurer of. *See* Causton, Thomas.
- ....., Trustees for establishing the Colony of. *See* Oglethorpe, James.
- ....., Captain Mackay dismissed by, 376 p. 262.
- ....., lands near the Alata-maha River, dispute with South Carolina over, 484.
- ....., letter to, 348, 348 xiv, 392.
- ....., meeting with Council of Trade and Plantations, 486, 487.
- ....., memorandum by, 138.
- ....., petition of, 65 i, 196 i, 477.
- ....., powers of, 157 p. 101.
- ....., request for negroes to erect fort at St. Simon, 170, 173.
- ....., Secretary to. *See* Martyn, Benjamin.

- Germany, settlers from, for North Carolina, petition concerning, 110.
- ....., for South Carolina, 400, 465.
- ....., for New York, 366.
- ....., for Virginia, petition concerning, 110.
- Grampus*, H.M.S., for Newfoundland, 320.
- Guadeloupe, British shallop driven on and condemned at, 296 p. 193.
- ....., insolence of French at, 296 p. 194.
- Guinea, tobacco trade of, Captain Ball's proposal concerning, 31.

## H

- Havana, attack on Georgia by Spanish forces feared, 348 xiv, 469.
- ....., British man-of-war seized at, 71.
- ....., Captain Petty and cargo sent to, 401 p. 288.
- ....., deserters from Bahama regiments intrigue with Spanish at, 264 i, p. 164.
- ....., garrison of, plans secured of, 264 i, p. 165.
- ....., goods sold by Governor Fitzwilliam at, 449.
- ....., Governor of, letter to, 348 x.
- ....., refusal to hand over British deserters, 264 i, p. 166.
- ....., help for Bahama mutineers from, 276.
- ....., troops from, in Georgia, stoppage of supplies for, 338.
- ....., vessels for, not to be cleared at New York, 338.
- Hawk*, H.M.S., at Spithead, 149.
- Hemp, bounty for, in the Plantations, 408 i; *and see under* separate Colonies.
- Hispaniola, French and Spaniards at, 22.
- ....., reinforcements from, for attack on Sta Cruz, 329 p. 220.
- ....., threatened attack on Sta Cruz and Virgin Islands from, 406.
- ....., trade with Jamaica, 148 i, p. 92.
- HOLLAND AND THE DUTCH, artificers build saw mills in South Carolina, 255.
- ....., embarkation of Swiss Protestants from, 238.

Holland and the Dutch—*cont.*

- ....., proposals for settlements in New York, 366.
- ....., in West Indies, increase of settlements of, 183 p. 118.
- Humility* sloop of Rhode Island, cargo of, invoice of, 457 ix.
- ....., bill of lading of, 457 vii.
- ....., case of capture by French, 457, 457 i-xiii, 474.
- ....., master of. *See* Caine, Edward.
- ....., owner of. *See* Whipple, Joseph.

I

Indigo, French trade in, 22 p. 15.

IRELAND AND THE IRISH, linen manufacture in New England, 297, 313.

- ....., loss of ship from, with provisions for Bahamas, 264 ii.
- ....., in Newfoundland, 119 i (8), (23).
- ....., trade of, 119 i (43).
- ....., settlements in New York proposed, 366.

Italy, English consuls' and merchants' complaint concerning French fish in Newfoundland, 389 p. 280.

J

JAMAICA: abstract of letters to and from, 229.

- ....., *Act for the better settling and securing the Island and vesting several parcels of land in the Crown and for building of barracks and fitting out of parties for the reducing the rebellious negroes, and cutting of roads*, approval of, 215.
- ....., *Act dispossessing Proprietors of uncultivated land*, proposed, 1.
- ....., *Act for enabling Mary Howel, widow, executrix of Samuel Howell, to sell divers messuages*, approved, 124.
- ....., referred, 70.

Jamaica—*cont.*

- ....., *Act to encourage the importation of white men etc.*, 148 i, p. 93.
- ....., *Act imposing duty on spirits retailed etc.*, approved, 124.
- ....., *Act for imposing a duty on all rum etc.*, retailed, referred, 70.
- ....., *Act for the more effectual directing the Marshall's proceedings etc.*, report upon, 200.
- ....., *Act obliging inhabitants to keep and maintain a proportionable number of white servants for the negroes, disregard of*, 19 i (32).
- ....., *Act to oblige the inhabitants to provide themselves with a sufficient number of white people etc.*, approved, 124.
- ....., referred, 70.
- ....., *Act for putting the Island under martial law for a period not exceeding six months*, 148 i, p. 95.
- ....., criticism of, 124.
- ....., referred, 70.
- ....., *Act for raising several sums of money and applying the same to several uses for subsisting the officers and soldiers of the eight Independent Companies and preventing the exportation of several commodities into the French and Spanish Islands*, infringement of Prerogative of the Crown implied in, 20; 155.
- ....., directions to Governor concerning, 172.
- ....., objection to clause in, 124.
- ....., opinion upon clause concerning enlistment, 178 i.
- ....., referred, 70.
- ....., *Act for regulating fees* (1711), 200.
- ....., *Act for regulating servants etc.* (1682), repeal of, 148 i, p. 93.
- ....., *Act of settling the Militia*, 148 i, p. 96.
- ....., *Acts of*, duplicates transmitted, 73.
- ....., referred, 78.
- ....., report upon, 124.
- ....., transmitted, 5, 90.
- ....., Assembly of, dissolution of, 226.
- ....., new, writs for, 226.
- ....., Attorney General, opinion on signing warrants for grants and patents, 140; and *see* Concanen, Mathew.



Jamaica—*cont.*

- ....., barracks for, 73.
- ....., Act for provision of, 125.
- ....., plan of, 5, 6 i.
- ....., explanation and instruction for building, 6 ii.
- ....., case of Mauritius Vale, 140.
- ....., H.M. Chief Engineer at. *See* Lilly, Colonel.
- ....., Council of, address to Governor, 226 ii (b).
- ....., Governor's reply to, 226 ii (c).
- ....., difficulty in getting a quorum, 226.
- ....., Governor's speech to, 226 ii (a), (e).
- ....., journal of, 70.
- ....., President of. *See* Ayscough, John; Gregory, John; Pennant, Ed.
- ....., vacancies in, 125.
- ....., Council and Assembly, 148 i, p. 94.
- ....., address from, 4.
- ....., bill concerning uncultivated land recommended to, 1.
- ....., draft of bill concerning uncultivated lands, prepared for, 19, 19 i.
- ....., instructions for a bill for better peopling and cultivating the island, 36.
- ....., provision for troops by, 15.
- ....., representation from, 90.
- ....., Councillors. *See* Moore, Samuel; Hayman, William; Ayscough, John; Pennant, Edward; Nedham, William; Ely, Gersham; Price, Charles; Concanen, Mathew; Gregory, John; Gregory, Matthew.
- ....., Courts of Justice, closing of, 148 i, p. 96.
- ....., danger of war from France and Spain, 148 i, p. 92.
- ....., defence of, measures to secure, 19 i.
- ....., distressed condition of, cause of, 1.
- ....., encouragement of new settlers in, 148 i, p. 95.
- ....., exports and imports, 148 i, p. 94.
- ....., forts in, number of, 90.
- ....., Governor of, instructions for, 155.
- ....., reply to queries, 90; *and see* Cunningham, Henry.
- ....., grants and patents in, powers of Governors concerning, 140.

Jamaica—*cont.*

- ....., Great Seal of, misuse of, 140.
- ....., Independent Companies at, account of condition of required, 26.
- ....., at Port Antonio, complaint concerning quarters and condition of, 26.
- ....., provision for, 178 i.
- ....., bad effect of rum upon, 26.
- ....., muster roll of officers, 226 i.
- ....., question of recruits for, 155.
- ....., reduction in number of, 226.
- ....., vacancies in officers filled by warrant, 226.
- ....., Indians, Mosquito (Musketo), proposal to use against negroes, 26.
- ....., inhabitants, white, measures for increase in, 1.
- ....., in proportion to negroes, 19 i (32), ii.
- ....., lands in, grants of, 19 i (31), ii.
- ....., not settled, 148 i, p. 92.
- ....., proposal concerning, 148 i, pp. 93, 94.
- ....., re-partition of recommended, 1.
- ....., uncultivated, draft of bill concerning, 19 i, ii.
- ....., martial law in, 73, 90, 125, 215.
- ....., account required of effect of, 26.
- ....., objections to, 148 i, p. 96.
- ....., merchants of London, Bristol and Liverpool, memorial and proposal of, 148 i.
- ....., militia in, 125.
- ....., Nanny Town, troops in possession of, need for surgeons for, 226.
- ....., naval squadron at, proposal to increase, 148 i, p. 95.
- ....., negroes, duty on, instructions concerning, 14.
- ....., naturalized and free, land for, 19 ii.
- ....., number in proportion to whites, 148 i, pp. 93, 94.
- ....., proposals for regulating, 148 i, pp. 93, 94.
- ....., plantation, 125.
- ....., negroes rebellious, account of, 125.
- ....., expedition against, account of required, 26.

Jamaica, negroes rebellious, expedition against—*cont.*

- ....., ..... , barracks and roads required for, 226.
- ....., ..... , failure of, 226.
- ....., ..... , success of, 73, 215.
- ....., ..... , number of, 148 i, p. 96.
- ....., ..... , queries concerning, 90.
- ....., negroes, trade with Spain, 148 i, p. 92.
- ....., peopling and settling of, instructions and proposals concerning, 19, 19 i, ii.
- ....., population, negro, increase in, 148 i, p. 92.
- ....., ..... , white, decrease in, 148 i, p. 92.
- ....., H.M. Prerogative in, 90.
- ....., ..... , infringement of, 70, 155, 178 i.
- ....., President, Council and Assembly of, address from, 67 i, 90.
- ....., produce of, value of, 148 i, p. 92.
- ....., proposals for a bill for the better peopling and settling the Island of, 19 ii, 33, 36, 148 i, pp. 93, 94.
- ....., ..... , heads of, 25 i, 33, 36 ii.
- ....., ..... , referred, 25.
- ....., Provost Marshal of. *See* Forbes.
- ....., quit rents in, 19 ii.
- ....., regiment (Six Independent Companies from Gibraltar) gratitude for despatch of, 4.
- ....., ..... , pay and provision for, 15.
- ....., ..... , sickness of, 125.
- ....., report on conditions in, before the House of Lords, 148 i, p. 92.
- ....., revenue of, 148 i, p. 94.
- ....., roads cut in, 73, 125.
- ....., South Sea Company, trade of, 148 i, p. 92.
- ....., state of, consideration of, 1.
- ....., ..... , enquiry concerning, 215.
- ....., stores of war for, 90.
- ....., ..... , request for, 84.
- ....., Sugar trade of, 148 i, p. 92.
- ....., trade of, with French and Spanish Islands, 148 i, p. 92.
- ....., ..... , with Northern Colonies, 148 i, p. 92.
- ....., ..... , proposals for encouragement and settlement of, 148 i, p. 94.
- Jesus Maria Joseph*, Spanish ship, claims for salvage of, 152 i, ii.
- ....., set on fire, 152, 152 iii–ix.
- ....., wrecked, 152.

L

- La Marie*, French sloop, seizure of, by British, 296 pp. 193, 194.
- LEEWARD ISLANDS. *See* Antigua; Montserrat; Nevis; St. Christopher; Virgin Islands (Anguilla, Barbuda, Spanish Town, Tortola), agents of, letter from, 460; *and see* Coope, R.; Yeamans, John; Popple, Henry; Butler, Thomas; Sharpe, John.
- ....., ..... , memorial from, 455.
- ....., British vessels seized by French, under Edict, 490 i, p. 381.
- ....., coins, currency, lack of small specie, effect of, 329.
- ....., Councils of, difficulty in getting a quorum in, 60 p. 35.
- ....., Councillors in, leave of absence, 60.
- ....., ..... , names and number required, 406.
- ....., Courts, Admiralty, cases tried under breaches of Treaty of Neutrality, 490 i, p. 379.
- ....., danger of war at, measures to meet, 60 p. 36.
- ....., defence of, 168.
- ....., duty of gunpowder levied on tonnage of shipping to, conditions governing, 61 i.
- ....., duties on liquors and manufactures of Great Britain, 223.
- ....., *Fleurion*, French ship, case of, 455.
- ....., fortifications of, money for, 326.
- ....., French ships seized at, dispute concerning, 409 i, p. 379.
- ....., Governor of, instructions of (17th and 34th), opinion concerning, 481; *and see* Mathew, William.
- ....., inhabitants of, move to Sta Cruz, 406.
- ....., list of Acts laying duties on trade and shipping of Great Britain, 136 iv.
- ....., naval squadron at, 183 p. 121.
- ....., Officers' fees in, dispute concerning, 325, 326.
- ....., ..... , method of payment of, 326.
- ....., powder duty in, 60 p. 38, 168.
- ....., removal of civil officers to be reported, 60 p. 35.
- ....., removal of inhabitants to other islands, 190.
- ....., ..... , proposal to settle on Crab Island, 190.



Leeward Islands—*cont.*

- ....., revenue of, accounts required, 105.
- ....., Secretary and Clerk of the Crown in, dispute concerning fees of, 291, 291 i, 325, 326; and *see* Smith, Wavell; Cust, Savile.
- ....., shipping of, interference by French, 490 i, p. 381.
- ....., stores of war for, 60, 168, 217.
- ....., ....., to be distributed from Antigua, 60.
- ....., Sugar trade of, interference by French with, 361.
- ....., trade of, payment for, 329.
- Lima, Spanish at, 469.
- Lisbon, fish from Canso for, 450 i.
- ....., illegal trade with Newfoundland, 389 p. 279.
- ....., H.M. Navy to be sent to, 349.
- Liverpool, City of, proposed as Trustee for settlement of Nova Scotia, 331.
- ....., merchants trading with South Carolina, objection to duty on negroes, 88.
- ....., merchants trading with Jamaica, memorial and proposal of, 148 i.
- London, Bishop of, Commission of, omitted from instructions of Governor of Barbados, 38.
- ....., ....., ....., inserted in new Governor's instructions, 49.
- ....., ....., letter from, 38.
- ....., ....., letter to, 49.
- ....., ....., petition on account of Newfoundland, 119 i (9).
- ....., ....., request for minister for New Hampshire church, 194.
- ....., copies of Carolina duty-on-negroes Act sent to, 3.
- ....., French Ambassador at. *See* Chavigny, Mons.
- ....., merchants trading with South Carolina, agreement with Governor Johnson, 7, 7 i.
- ....., ....., objection to Appropriation Act and duty on negroes, 21, 88.
- ....., merchants trading with Jamaica, memorial and proposal of, 148 i.
- ....., sack ships at Canso from, 166 iv.
- ....., settlers for Nova Scotia from, under Captain Coram's Scheme, estimate of charges *etc.*, 22 i.
- ....., ....., ....., list of requirements for, 22 i, p. 16.
- Lords, House of, report to, on Jamaica, 148 i, p. 92.
- ....., ....., representation on laws, manufacture and trade in Virginia, explanation of, 28 i.
- ....., ....., representation to, concerning Maryland, 419.
- Louisburgh, harbour of, account of shipping at, 166 ii (19).
- Louisiana, Governor of. *See* Bienville, M. de.

## M

- Madeira, trade with Newfoundland, 119 i (51).
- ....., wine for the Plantations from, 497 i.
- Madrid, Treaty of, different interpretations of, 421.
- Maine (County of York), cutting down of masts for H.M. Navy, appeals and prosecutions for, 352.
- Maracaybo, Governor of. *See* Valderana y Haro, Don Ju. Joseph de.
- ....., *Mercury* sloop seized and carried to, 221 ii-vii.
- Mardenburg sloop, case of, 296 p. 194.
- Mareschal d'Asfeldt, French ship, damaged in storm, 152.
- ....., master of. *See* Le Roy, Anthony.
- Margarett sloop, seizure of, 474 i.
- Martinique, 367.
- ....., British ships seized at, 474 i.
- ....., *Dolphin* sloop carried to, trial and imprisonment of crew, 361.
- ....., French deputation from, copy of, 460 v.
- ....., Governor of, 490 i, p. 378; and *see* Champigny, Marquis de.
- ....., ....., complaint of treatment of British subjects by, 490 i, p. 381.
- ....., ....., proposal to suspend French King's Edict, 460.
- ....., imprisonment of Captain Caine at, 468 i-vii.
- ....., seizure of British ship at, account of, 445.
- ....., seizure of *Humility* at, 457 i, iii.
- ....., trade, illegal, of, 290 i, ii.
- Mary Galante (Mari Galante), *Fortune* ship at, 490 i, p. 377.
- ....., wreck of French ship *Fortune* upon, 435.

- MARYLAND: Acts of, complete set required, 269.
- ....., laying duties on British trade or shipping, list of, 283, 283 i.
- ....., Deputy or Lieutenant Governor of. *See* Ogle, Samuel.
- ....., tobacco from, seized in Newfoundland, 389 p. 279.
- ....., transport of liquors by land to Virginia borders, 480 p. 359.
- MASSACHUSETTS BAY AND NEW HAMPSHIRE; and *see* New England.
- ....., Act for the better preservation of H.M. Woods, 257.
- ....., *Act to encourage the raising of hemp and flax within this Province*, 297.
- ....., enquiry concerning effect of, 209, 313.
- ....., *Act for granting the sum of £3000 for the support of H.M. Governor*, question of Governor's assent to, 82, 156 i.
- ....., *Act for the more effectual detecting and convicting such as cut, fell or destroy such trees as are preserved for the use of the Royal Navy*, copy of, 315 i.
- ....., rejected by Assembly, 314 i.
- ....., *Act to prevent the currency of certain bills or notes of hand emitted by a Society or number of persons in the Province of New Hampshire*, report upon, 356.
- ....., support of Act, 356.
- ....., *Act for the trial of capital offences etc. committed in the island of Nantucket*, confirmation of, 249.
- ....., Acts of (25), confirmation of, 27.
- ....., referred, 162.
- ....., transmitted, 163, 317, 498.
- ....., Advocate General of. *See* Shirley, William.
- ....., Agent of. *See* Wilks, Fra.
- ....., Amariscoggen River, 375 ii (f).
- ....., Assembly of, 77, 82, 351.
- ....., adjournment of, 257.
- ....., criticism of conduct of, 100.
- ....., dissolution of, 314.
- ....., journals of, 24, 235, 257, 317, 337.
- ....., minutes of, 498.
- ....., new, convened, 337.
- ....., Attleborough, iron ore found at, 314.
- Massachusetts Bay and New Hampshire—*cont.*
- ....., Baslon, meeting with Indians at, 375 ii (a).
- ....., bills of credit in, accounts of, 379 i.
- ....., Boston. *See* Boston.
- ....., boundaries with New Hampshire, appointment of Commissioners for settling, 426.
- ....., settlement of, 501.
- ....., urged, 234.
- ....., Castle William, repair of, 85.
- ....., Charter of, 82, 113, 337.
- ....., coins currency, exchange with Rhode Island, 369.
- ....., lack of silver, 100 p. 54.
- ....., paper money, 370, 501.
- ....., information concerning, 363.
- ....., Rhode Island currency in, 100 p. 55.
- ....., Council of, Minutes of, 317, 498.
- ....., contract from, 375 ii (a).
- ....., Secretary of. *See* Willard, Josiah.
- ....., Council and Assembly, Governor's message to, 375 ii (c), (h).
- ....., minutes of, 163, 365 ii.
- ....., question of Governor's salary, 100.
- ....., Council and Representatives of, address from, comment upon, 100.
- ....., Court, Vice Admiralty, cases concerning destruction of H.M. Woods, 354.
- ....., Deerfield, conference with French Mohawks at, 311, 311 i.
- ....., Deputy Secretary of. *See* Frost, P. Simon.
- ....., Essex County, Haverill, grant of land from, suit concerning, 413; and *see* Graves, Samuel.
- ....., Sheriff of, seizure of Mr. Graves by, 413.
- ....., flax, bounty on, 209
- ....., fortifications of, engineer required for repair of, 85; and *see* Mascarene, Paul.
- ....., repair of, 100 p. 55.
- ....., Governor of. *See* Belcher, Jonathan.
- ....., proposal for fixed salary independent of Assembly, 82.
- ....., hemp, bounty for, 94, 100.
- ....., advantages of, 235.
- ....., encouragement for raising, 24.



- Massachusetts Bay and New Hampshire—*cont.*
- ....., hemp and flax, effect of bounty on growing of, 297, 313.
  - ....., hemp seed for, 100, 257, 297, 313, 351.
  - ....., representation upon, 295, 295 i.
  - ....., House of Representatives, 100.
  - ....., appointment of Committee by, 375 ii (e).
  - ....., report of Committee, 375 ii (f).
  - ....., instructions concerning Governor's salary, 156 i.
  - ....., Journal of, 236, 314, 351, 365.
  - ....., prorogued, 365.
  - ....., Indians (Chiefs of Cagnawaga, Houssatonoc and Seautacook, St. François and Moheegs), conference with Governor Belcher, 144 i, 218.
  - ....., Penobscot, arrival at Boston, 375 ii (b), (c).
  - ....., conference with, 365, 365 i, ii, 375, 375 ii (a-i).
  - ....., account of, 375 ii (d).
  - ....., letter from, 375 i.
  - ....., letter to, 375 ii (b).
  - ....., presents for, 375, 375 ii (h), (i).
  - ....., reply to delegates, 365 ii.
  - ....., trade with, complaint concerning, 365 i, ii, 375 ii (d), (f).
  - ....., Western, meeting with Governor Belcher, 77.
  - ....., Irish in, few and unpopular, 313.
  - ....., iron ore in, 314.
  - ....., ironworks set up, 314.
  - ....., Kennebec River, 375 ii (f).
  - ....., linen manufacture in, Irish experts for, 209.
  - ....., masts for the Royal Navy, action against Contractor's agent for cutting, 113.
  - ....., naval officers in, appointment of, 100 p. 55; *and see* Pemberton.
  - ....., naval stores in, 314, 351.
  - ....., Nuttfield, Irish engaged in linen manufacture at, 297.
  - ....., Penobscot River, 375 ii (f).
  - ....., pine trees reserved for the Crown under Charter, dispute concerning, 113.
- Massachusetts Bay and New Hampshire—*cont.*
- ....., potash manufacture, encouragement of, 235, 257.
  - ....., private banks in, opinion on effect of, 316.
  - ....., Receiver General of. *See* Allen, Jeremiah.
  - ....., Revenue, accounts required, 100, p. 55.
  - ....., St. George's, complaint by Penobscot Indians concerning settlement at, 375 ii (d), (f).
  - ....., Saco River, 375 ii (f).
  - ....., scheme for emitting a large sum of money in paper bills, consideration of, 99, 100 p. 54.
  - ....., criticism of, 100 p. 55.
  - ....., Secretary of. *See* Willard, Josiah.
  - ....., Treasurer of, accounts of, 163, 163 i, 500, 501; *and see* Allen, Jeremiah.
  - ....., H.M. Woods in, destruction of, proposals to remedy opposed, 100.
  - ....., draft of bill for preservation of, 362.
  - ....., prosecution of trespassers, 352.
  - ....., Mr. Shirley's part in, 352, 353, 354.
  - ....., protection for mast cutters, 100 p. 55.
- Mercury* sloop, of New Providence, conversion into a Spanish privateer, 221 iii.
- ....., seizure of, by Spaniards, 221 ii-vii, 454 p. 329.
  - ....., taken for trial to Dominico, 221 iii.
  - ....., Master of. *See* Lawford, Samuel.
- Merrimack River, a boundary between Massachusetts Bay and New Hampshire, question of jurisdiction of lands at, 413, 413 ii.
- Mexico, 348 i, p. 235.
- ....., Viceroy of, letter to, 348 x.
- Micajah and Philip*, ship, 480.
- Mississippi River, advantage of settlements on, 268.
- ....., French at, engagements with Indians at, 349.
  - ....., reinforced by Canada, 381.
  - ....., rumours of preparations for war at, 349.
- Mobile River, Fort Toulouse (or Albamos), French war preparations at, 349; *and see* Moville.

MONTSERRAT; and see Leeward Islands.

- ....., Act for ascertaining the value of all gold and silver coins passing in this island and introducing English copper coin, criticism of, 406.
- ....., ....., transmitted, 330.
- ....., Act for the more effectual preventing all trade in those parts between H.M. subjects and the French, consideration of, 455.
- ....., ....., criticism of, 406.
- ....., ....., explanation of, 490 i, pp. 380, 381.
- ....., ....., *Fleurion* seized under, 490 i, pp. 378, 379.
- ....., ....., good effect of, 460.
- ....., ....., Governor's assent to, in question, 460.
- ....., ....., reasons against, 473.
- ....., ....., reasons in favour of, 474 p. 356.
- ....., ....., report upon, 431.
- ....., ....., suspension proposed, 490 i, p. 382.
- ....., Act for the better supplying this island with small arms, 115 i.
- ....., ....., Governor's assent refused, 115.
- ....., ....., memorial in favour of, 115.
- ....., ....., passed by Council and Assembly, 115 i.
- ....., ....., rejected by Governor, 40.
- ....., ....., transmitted, 40 i.
- ....., Act for building a magazine and putting in order the forts and batteries and mounting the cannon thereon, transmitted, 330.
- ....., Act for constituting a Court merchant, transmitted, 265.
- ....., Act for levying a duty of gunpowder upon the tonnage of shipping trading to that Island, instructions to pass, 160.
- ....., ....., proposed, 60 p. 38, 61, 61 i.
- ....., Act for the more speedy building a church in the parish of St. Anthony, recommended, 60 p. 35.
- ....., Act for raising a duty of fourpence a ton upon all shipping to be paid in money in order to purchase arms, for the use of the Island, Governor's assent refused, 217.
- ....., ....., recommended, 285.
- ....., Act for raising a poll tax and for assessing the houses in the town of Plymouth, transmitted, 265.

Montserrat—cont.

- ....., Act for reducing of interest from ten to eight per cent, referred, 98.
- ....., Act for repealing an Act for the more speedy and effectual dispatch of the public business, referred, 98.
- ....., Act concerning seizure of French ships, case of Governor Mathew's sloop under, 367.
- ....., Acts of, affecting trade and shipping of Great Britain, list of, 136 ix.
- ....., ....., (2), duplicates sent, 150.
- ....., ....., (6), referred, 207, 398, 407.
- ....., ....., transmitted, 150, 350.
- ....., Agent for, reference to, 285.
- ....., ....., request for, 40.
- ....., Assembly of, case of French ship *Fleurion*, 435.
- ....., ....., Clerk of. See Molineux, Charles.
- ....., ....., journal of, 232, 286.
- ....., ....., minutes of, 40, 135.
- ....., ....., Speaker of. See Molineux, John.
- ....., cannon and arms for, petition for, 10.
- ....., Council, Clerk of. See French, Les.; Warner, John.
- ....., ....., difficulty in getting a Quorum for, 385, 412.
- ....., ....., minutes of, 40, 150, 232, 286, 361.
- ....., ....., persons recommended for, 60.
- ....., Councillors. See Roynon, John; Hodges, Anthony; Roberts, John; Fenton, Randall; Osborn, John; Webb John; Webb, Nathaniel; Frye, William.
- ....., ....., names and numbers required, 406.
- ....., Court, Admiralty, copy of proceedings at, 490 i, p. 379.
- ....., ....., ....., proceedings on seizure of the *Fleurion*, 460 ii.
- ....., defence of, need of gunpowder for, 61, 61 i.
- ....., distressed condition of, causes of, 61 i.
- ....., *Fortune* seized at, case of, 490 i.
- ....., French ships seized at, complaint and memorials concerning, 435, 435 i-iii.
- ....., Great Seal of, 150.
- ....., memorial in behalf of, 115.



Montserrat—*cont.*

- ....., parishes and vestries in, regulation of, 60 p. 35.
  - ....., Plymouth Road, *Fortune* fired at from, 490 i, p. 379.
  - ....., H.M. Prerogative in, infringement of, 431, 490 i, p. 382.
  - ....., revenue raised in, account of, 136 viii.
  - ....., shipping, duty on tonnage of, 115.
  - ....., stores of war for, 40.
  - ....., small arms not sent, 285.
  - ....., trade of, with French, Act to prevent, 473, 474; *and see* Montserrat, Act to prevent.
  - ....., Treasurer of, Accounts of, 286 ii; *and see* Roynon, Jno.
- Moville (Mobbille), Commandant of, complaint from, against Captain Mackay, 184, 376 p. 262.
- ....., Governor of, 484; *and see* Dardaguiette, Diron; Bienville, Mons. de.
  - ....., report of attack on Chicksaw Indians by, 446, 447.
  - ....., Swiss deserters from, return requested, 157 v.

## N

## Namure, H.M.S., 296 pp. 193, 194.

- ....., Commander of. *See* Barnsley, Captain.
- Nantz, 152.
- Naval stores in the Plantations, hemp from New England, 94.
- ....., hemp and flax from Nova Scotia, in payment of quit rents, proposal for, 22 p. 13.
- Navy Board, Contractors for masts in New England, prosecutions concerning, 352, 354.
- Navy, The Royal, H.M. Commissioners of, letter to, 96.
- ....., complaints of conduct of officers in American stations, 454 p. 328.
  - ....., hemp from New England for, 313.
  - ....., H.M. Ships:
    - Diamond.*
    - Falkland.*
    - Fox.*
    - Grampus.*
    - Hawk.*

Navy, The Royal, H.M. Ships—*cont.*

- Namure.*
  - Roebuck.*
  - Rupert.*
  - Shark.*
  - Sheerness.*
  - Shoreham.*
  - Squirrel.*
  - Torrington.*
- Neutrality, Treaty of, 152; *and see* under Treaty.
- NEVIS; *and see* Leeward Islands.
- ....., Act to continue the duty on liquors imported, referred, 103.
  - ....., Act for establishing a Court of King's Bench and Common Pleas and for settling the Chief Judges and Marshal's fees, petition against, 325, 326.
  - ....., Act for the qualifying persons to sit in the Assembly, explanation of, 330.
  - ....., Act for raising an impost on strong liquors imported etc., transmitted, 223.
  - ....., Act for raising a levy, referred, 40.
  - ....., Act for raising a poll tax on negroes etc., transmitted, 287, 328.
  - ....., Act to repeal an Act against importing rum and melass also for raising an annual tax on vintners and retailers etc. transmitted, 223.
  - ....., Acts of, Collection required, 103.
  - ....., referred, 398.
  - ....., transcript of, 135.
  - ....., transmitted, 150, 350.
  - ....., Agent for. *See* Butler, Thomas.
  - ....., Assembly, minutes of, 135.
  - ....., Council, minutes of, 253, 265, 286, 385.
  - ....., Councillors of. *See* Abbot, Richard.
  - ....., names and numbers of required, 406.
  - ....., duties laid on liquor, explanation of, 169.
  - ....., fortifications of, 136, 217.
  - ....., Governor Cunningham at, 169.
  - ....., revenue raised in, account of, 136 v.
  - ....., Sadle Hill, fortification of, 136, 285.
  - ....., Secretary of, Acts attested by, 150.
  - ....., fees of, 247.
  - ....., Treasurer of, accounts of, 286 i; *and see* Bridgewater, Edward.

- NEW ENGLAND; *and see* Massachusetts Bay *and* New Hampshire; Connecticut.
- ....., Advocate General of *See* Shirley, William.
- ....., bills of credit in, state of paper currency called for, 356.
- ....., Chief Justice of. *See* Auchmuty, Robert.
- ....., Court, Admiralty, Seal of, 423.
- ....., cullers of fish appointed by Government of, 9.
- ....., fishery of, salt for, 497 i.
- ....., masts for the Royal Navy, judgment in action against cutting of, 113.
- ....., Newfoundland seamen carried off to, 119 i (57, 58).
- ....., ....., copies of bonds concerning, 119 iv-x.
- ....., ships from, at Newfoundland, bond by masters of, concerning seamen, 389 p. 280, 389 iii.
- ....., Sugar trade, French interference with, 361.
- ....., trade of, with Newfoundland, 119 i (49), (51), 389 p. 280.
- ....., wine from Canary Islands for, 497 i.
- ....., H.M. Woods in, difficulties in preservation of, 96.
- ....., ....., Mr. Shirley's services in defence of, 352-354.
- NEWFOUNDLAND: Act for the encouragement of trade (15th of King Charles II), 119 i (7).
- ....., Admiralty Judge proposed for, 119 i (7).
- ....., Cape Roy, 324.
- ....., ....., French settlers at, 389 p. 278.
- ....., coasts of, 389 p. 278.
- ....., convoy for, 320.
- ....., Court of Admiralty, ship from Lisbon condemned in, 389 p. 279.
- ....., felons and murderers sent to England for trial, difficulties arising from, 389 p. 279.
- ....., Ferryland, murder committed at, 119 i (2).
- ....., fishery of, account of, 389.
- ....., ....., competition with French, 119 i (60).
- ....., ....., encouragement of, 324.
- ....., ....., numbers of seamen, 389 p. 279.
- ....., ....., reply to queries concerning, 119 i.
- ....., ....., salt for, 389 p. 281, 497 i.
- Newfoundland, fishery of—*cont.*
- ....., ....., scheme of, 119 iii.
- ....., ....., reply to queries concerning, 389.
- ....., ....., state of planters and inhabitants on, 389 i, ii.
- ....., fishing Admirals, 119 i (18), (27), (28), (44), 389 p. 279.
- ....., ....., disputes with Justices of the Peace, 119 i (65).
- ....., Fogo, fishery of, 389 p. 278.
- ....., fur trade, 119 i (38).
- ....., ....., French encroachments on, 324.
- ....., garrison of, 119 i (5).
- ....., Great and Little Burin, fishery at, 389 p. 278.
- ....., harbours of, damage from ballast thrown into, 119 i (16), 389 p. 279.
- ....., Heads of Enquiry concerning, extract from reply to, 201 i, ii.
- ....., Indians, scarcity of, 119 i (38).
- ....., Irish Papists in, 119 i (8), (23).
- ....., Justices of the Peace, 119 i (3), 389 pp. 280, 281.
- ....., ....., appointment of, 119 i (65).
- ....., ....., disputes with Fishing Admirals, 119 i (65).
- ....., New England ships at, bond by masters concerning seamen from, 389 p. 280, 389 iii.
- ....., Placentia, account of stores and garrison at, 201 i, ii.
- ....., ....., bay of, draft of, 119 i (6).
- ....., ....., Colonel Philipps' regiment at, 389 p. 279.
- ....., ....., garrison, complaint against officers of, 119 i (3).
- ....., ....., stores of war for, 389 p. 279.
- ....., ....., Justices of the Peace. *See* Salmon, Thomas.
- ....., ....., Lieutenant Governor of fort at, wine for, 119 i (7).
- ....., ....., ordnance stores, account of, 119 i (p. 71).
- ....., ....., regiment at, numbers of, 384.
- ....., planters and inhabitants, state of, 119 ii.
- ....., Port Bask, French inhabitants of, trade of, 389 p. 278.
- ....., ....., French settlements at, 324, 389 p. 278.
- ....., rum for, 119 i (50).
- ....., ....., imported, 389 p. 280.
- ....., St. John's, clergyman at, 119 i (10).
- ....., ....., escape of prisoners from jail, 119 i (2).



Newfoundland, St. John's—*cont.*

- ....., public houses in, 119 i (52).
- ....., St. John's Harbour, draft of, 119 i (6).
- ....., public houses at, 389 p. 280.
- ....., St. Peter's, fishery at, 119 i (66), 389 p. 278.
- ....., salmon fishery of, 119 i (64).
- ....., salt trade, with Europe, 119 i (7).
- ....., seamen carried off to New England from, 119 i (57, 58).
- ....., copies of bonds concerning, 119 iv-x.
- ....., servants in, conditions governing, 119 i (36), (37).
- ....., manner of payment of, 389 p. 280.
- ....., stores of war in, 119 i (5).
- ....., survey of coast inadequate, 119 i (6).
- ....., trade of, 119 i (50), (51), 389 p. 280.
- ....., illegal, 119 i (7), (48), 389 p. 279.
- ....., with Ireland, 119 i (43).
- ....., with New England, 119 i (49), (51).
- ....., Trepassey, sloop seized at, 389 p. 279.
- ....., wine and brandy illegally imported from France, 119 i (7).
- NEW HAMPSHIRE; and see New England; Massachusetts Bay.
- ....., Act to give a bounty for encouragement of the raising of hemp, passed by Assembly, 94.
- ....., Advocate General of. *See* Shirley, William.
- ....., Agent of, petition of, 426; and see Thomlinson, John.
- ....., Assembly, dissolution of, 321.
- ....., new, meeting of, 321.
- ....., proceedings of, 321.
- ....., refusal to vote supplies, 100 p. 56.
- ....., Governor's explanation of, 501.
- ....., boundaries with Massachusetts Bay, appointment of Commissioners for settling, 426, 448.
- ....., settlement of, 234, 501.
- ....., Church of England, building for, 194.
- ....., request for minister for, 194.
- ....., coins, currency, paper money, information concerning, 363.
- ....., issues by private persons, Governor's protest against, 501.

New Hampshire—*cont.*

- ....., Council of, 321.
- ....., President of, Governor's instructions for, explanation of, 501.
- ....., Deerfield, Conference with Indians at, 144 i.
- ....., Fort William and Mary, Governor's action in refusing admittance to Colonel Dunbar, 387.
- ....., hemp growing, measures to encourage, 94.
- ....., hemp seed for, 100.
- ....., from Riga, 94.
- ....., House of Representatives, insolence of, 321.
- ....., Kingstown, case of land granted to Samuel Graves, 413; and see Graves, Samuel.
- ....., Londonderry, Irish linen made in, 313.
- ....., lands in, question of jurisdiction concerning, 413 ii.
- ....., H.M. Prerogative in, infringement of, 387.
- ....., public records of, burnt, 321.
- ....., revenue of, Assembly refuse to vote supplies, 100 p. 56.
- ....., Treasury, Government's refusal to supply, 321.
- NEW JERSEY: *Act for appropriating part of the interest money etc. to the incidental charges of this Government*, confirmation of, 153.
- ....., *Act for the better support of that Government*, objection to clause concerning duty on copper ore, 64.
- ....., petition against, 64.
- ....., *Act for the further support of this Government, etc.*, complaint against, 306 i.
- ....., deletion of clause concerning duty on copper ore, 306 i.
- ....., *Act for making £40,000 in bills of credit*, confirmation of, 154.
- ....., Agent for, 154.
- ....., Amboy, meeting of Council at, 424.
- ....., Assembly of, 299 i.
- ....., petition from, 373.
- ....., proclamation for adjournment of, issued by Colonel Morris, 458.
- ....., copper, duty on, 306 i.
- ....., Council of, Clerk of. *See* Smyth, Lawrence.
- ....., hearing of Mr. Morris's claim by, 424.

New Jersey, Council of—*cont.*

- ....., importance of warrants for, 415.
- ....., meeting of, 299 i, 458.
- ....., minutes of, 424, 424 i, 425 ii, 458 i.
- ....., number of, 415, 424.
- ....., persons recommended for, 95.
- ....., President of. *See* Anderson; Hamilton.
- ....., Councillors. *See* Morris, Lewis; Alexander, James; Hooper, Robert Lettice; Warrell, Joseph; Schuyler (Seyler), John; Farmer, Thomas; Hamilton, John; Rodman, John; Smith, Richard; Baird; Anderson, John; Wells; Provoost, William; Johnson, Parker; Reading, John; Van Horne, Cornelius.
- ....., eldest appointed on Commission to settle boundaries of New Hampshire and Massachusetts Bay, 426.
- ....., form of prayer for the Royal Family proclaimed in, 425 i, 458.
- ....., instructions concerning, 458.
- ....., General Assembly of, instructions to, 64.
- ....., Governor for, separate from New York, 299 i; *and see* Keith, Sir William.
- ....., petitions for, 373.
- ....., recommended, 373.
- ....., Grand Jury, petition from, 373.
- ....., Lieutenant Governor of. *See* Keith, Sir William.
- ....., merchants trading with, complaint of, 306 i.
- ....., President and Council of, petition from, 373.
- ....., question of separate Government from New York, 299, 299 i.

New Orleans, 381.

New Spain, activities against the British in, 469.

....., ports of the Main, 148 i, p. 92.

NEW YORK, *Act for the better clearing, regulating and further laying out publick High Roads in the County of Westchester*, Lieut. Governor's assent to, 470 p. 350.

....., *Act clearing and laying out high roads in Ulster and Albany*, transmitted, 219.

....., *Act continuing the Act to let to farm the Excise*, Lieut. Governor's assent to, 470 p. 349.

....., transmitted, 219.

New York—*cont.*

- ....., *Act to continue the Militia Act*, Lt. Governor's assent to, 470 p. 349.
- ....., *Act to enable the Justices of the Peace in Orange County a new jail*, Lieut. Governor's assent to, 470 p. 349.
- ....., *Act to enable Thomas and Walter Dongan to sell some part of their estate*, report upon, 180.
- ....., *Act to enforce part of an Act for raising fifty pounds in Schenectadie*, Lieut. Governor's assent to, 470 p. 349.
- ....., *Act for naturalizing William Cornelius etc.*, reason for, 219.
- ....., *Act for paying £60 to Mr. Barclay*, Lieut. Governor's assent to, 470 p. 349.
- ....., *Act to prevent damage by some in the precinct of Goshen etc.*, 219.
- ....., *Act for raising £500 for securing the Indians in H.M. interest*, objection to, 179.
- ....., *Act regulating the Militia*, transmitted, 219.
- ....., *Act to receive and continue the currency of the bills of credit therein mentioned untill the end of the year 1739*, explanation of, 219.
- ....., *Act to repeal the Act granting duties for support of Government etc.*, petition against, 54, 54 i.
- ....., repeal of clauses in, new Act proposed for, 54 i.
- ....., *Act to repeal some parts and continue other parts of an Act therein mentioned etc.*, (1728), repealed in 1732, 219.
- ....., *Act to revive an Act for mending and keeping in repair the post road from New York to Kingsbridge*, Lieut. Governor's assent to, 470 p. 349.
- ....., *Act to revive an Act to prevent swine running at large in Dutches County*, Lieut. Governor's assent to, 470 p. 349.
- ....., *Act to revive an Act for the speedy punishing and releasing such persons from imprisonment as commit any criminal offences under the degree of Grand Larceny in the several counties therein mentioned and to include the City and County of Albany and the County of Suffolk*, Lieut. Governor's assent to, 470 pp. 349, 350.



New York—*cont.*

- ....., Act for selling the estate of Thomas Lewis, late of the City of New York, *decd.*, report upon, 181.
- ....., Act for support of H.M. troops at Oswego, transmitted, 219.
- ....., Acts of, 179.
- ....., ..... , described, 219.
- ....., ..... , referred, 66, 95.
- ....., Albany, Mayor and Corporation of, Mr. Van Dam's Commission to, history of, 470 p. 348.
- ....., ..... , trade routes at, protection for, 408 i.
- ....., Assembly of, adjournment of, 298, 298 iii, iv, 327, 386, 408, 411.
- ....., ..... , better disposition of, 366.
- ....., ..... , conduct of Lewis Morris, Junior, 386.
- ....., ..... , declaration read at meeting of, 298 iii.
- ....., ..... , difficulty in providing for deficiency in Revenue, 334.
- ....., ..... , dissolution of, 327.
- ....., ..... , factions in, 327, 334, 404, 459, 470 p. 347; and see Van Dam; Morris, Lewis.
- ....., ..... , importance of delay in dissolution of, 334.
- ....., ..... , meeting of, 402, 404, 408, 411, 470 p. 347.
- ....., ..... , President's speech to, 408 i, 411.
- ....., ..... , proceedings in relation to President Clarke, 408, 411.
- ....., ..... , prorogued, 470 p. 349.
- ....., ..... , refusal to put Speaker in Chair, 386.
- ....., ..... , refusal to settle revenue by, 327, 402, 404, 470 p. 348.
- ....., ..... , Speaker of. See Philipse, Adolph.
- ....., ..... , to be triennial, 327.
- ....., ..... , Mr. Van Dam's protest to, 298 ii, iii.
- ....., ..... , better disposition in, 459.
- ....., ..... , bills of credit, 334.
- ....., Charter of, 404 p. 296.
- ....., City Corporation, nomination of officers of, 404 p. 296.
- ....., coins currency, transactions with Rhode Island, 369 i.
- ....., Commissioners for Indian affairs, proposals made by, 408 i.
- ....., Coroner of. See Nicholls, Richard.
- ....., Council of, 470 p. 349.

New York, Council of—*cont.*

- ....., ..... , Deputy Door Keeper and Messenger of. See Cox, Jeffery.
- ....., ..... , factions in, 272, 273, 273 i; and see Alexander, James; Van Dam, Rip.
- ....., ..... , measures for prevention of supplies to Spaniards, 338.
- ....., ..... , meetings of, 272, 298 viii, ix.
- ....., ..... , message to President Clarke from, 404 p. 296.
- ....., ..... , minutes of, 219, 272, 272 ii, iii, 402 viii, 404 viii, 470 p. 350.
- ....., ..... , copies asked for, 175.
- ....., ..... , persons recommended for, 95.
- ....., ..... , President of. See Van Dam, Rip; Clarke, George.
- ....., ..... , proposed as members of Commission of Review in case of Mohegan Indians, 332 i.
- ....., ..... , refuse Mr. Van Dam's summons, 402 i.
- ....., ..... , summoned, 408, 411.
- ....., ..... , Council and Assembly of, instructions for, 54 i.
- ....., ..... , journal of, 470 p. 350.
- ....., Councillors of. See Alexander, James; Van Dam, Rip; Harrison, Francis; Moore, John; Richards (Rickards), Paul; Clarke, George; Van Horne; Horsmanden; Lane; Cortlandt; Kennedy; De Lancey.
- ....., ..... , appointment of eldest on Commission to settle boundaries of New Hampshire and Mass. Bay, 426.
- ....., Court, Chancery, power to hold, question of, 95.
- ....., Courts, Equity, Assembly's determination to control, 327.
- ....., Customs, Collection of, instructions to, 338.
- ....., duties and imposition in, enumerated, 219.
- ....., ..... , factions in, 86, 298, 327, 402, 402 ii, 403, 404, 408.
- ....., ..... , account of, 470.
- ....., ..... , decrease of, 366, 476.
- ....., ..... , good effect of H.M. Instructions upon, 408 p. 302, 411.
- ....., Form of prayer for the Royal Family, 470.
- ....., ..... , President's instructions concerning, 408 p. 302, 411.

New York—*cont.*

- ....., Fort Hunter, proposal to abandon, 408 i.
- ....., forts and fortifications of, repair of, 408 i.
- ....., fur trade of, 366.
- ....., Governor of. *See* Montgomerie, John ; Cosby, William ; Cornbury, Lord.
- ....., ....., petitions for separate Governor for New Jersey, consideration of, 373.
- ....., ....., recommendation in favour of, 373.
- ....., hemp, encouragement of, 408 p. 302.
- ....., ....., manufacture aided by settlers from Europe, 366.
- ....., Indians, Mohawk, fort proposed in country of, 408 i.
- ....., ....., proposal to settle country of, 366.
- ....., ....., Scrinakaas, proposals concerning, 408 i.
- ....., "A letter to one of the members of the late General Assembly," 404 ix.
- ....., Lieutenant Governor, Council and Assembly of, address from, 459 i ; *and see* Clarke, George.
- ....., Mayor of. *See* Richard, Paul ; Van Horne, Cornelius ; Walter, Robert.
- ....., Mayor and Corporation of, appointment of, 470 p. 347.
- ....., ....., by Mr. Van Dam, 402, 402 i, ii, viii, 404 i.
- ....., ....., meeting with President Clarke, 408 p. 302.
- ....., negroes, imported, duty on, report on Act concerning, 54.
- ....., officers' fees and salaries, to be dependent on Assembly, 327.
- ....., Orange County, new jail for, 470 p. 349.
- ....., Oswego, protection for trade at, 408 i.
- ....., ....., repairs for trading house at, 408 i.
- ....., H.M. Prerogative in, 95.
- ....., ....., infringements of, 267, 272, 273, 273 i, 327, 404 p. 298.
- ....., printing press set up by Mr. Alexander's party, 86.
- ....., question of separation of Government from New Jersey, 299, 299 i.
- ....., quit rents, augmentation of, 366.
- ....., Recorder of. *See* Smith William.

New York—*cont.*

- ....., revenue, deficiencies in, 334, 366, 402, 404 p. 298, 459, 470 p. 348.
- ....., ....., to be made good, 408 p. 302.
- ....., ....., difficulty in settling, 327.
- ....., seal of, 404 p. 298.
- ....., *The Sentiments of a Principal Freeholder refer'd to the consideration of the Representatives of the Province of New York*, Signed F.S., 386 iii, 404 vi.
- ....., Sheriff of. *See* Ashfield, Richard.
- ....., shipping in, 408 i.
- ....., Spanish vessels at, not to be cleared, 338.
- ....., trade of, 366, 408 i.
- ....., Westchester, member for. *See* Morris, Lewis, Junior.
- ....., Widow Braziers' Coffee House, 386 i.
- ....., "A Word in Season," printed by J. P. Zenger, 402 x, 404 vii, x.
- New York Gazette*, 404 v.
- ....., copy of, 386 ii.
- New York Weekly Journal*, copy of, 386 v., 402 xiii, 404 iii, iv.
- Northern Colonies (Massachusetts Bay, Rhode Island, New York, New Jersey, Connecticut), fishery of, salt from the Bahamas for, 221 p. 144, 503.
- ....., ....., salt from Portugal for, 91.
- ....., trade of, 454, p. 326.
- ....., ....., with Barbados, 204.
- ....., ....., with Jamaica, 148 i, p. 92.
- ....., ....., with Sugar Colonies, French interference with, 361.
- NOVA SCOTIA, account of conditions in, 195.
- ....., Annapolis Royal, French inhabitants, petition from, 462 v.
- ....., ....., garrison of, 195.
- ....., Assembly for, powers of, 22 pp. 14, 15.
- ....., Cape Sables, French priest for Indians at, 462, 462 iv ; *and see* Cheveraux.
- ....., and Cat Island, Captain Coram's proposal for settling Protestants at, 22.
- ....., Chiconecto Eason, grant of lands at, 384 i.
- ....., civil Government for, 112.
- ....., cod fishing, French encroachments on, 22 p. 15.



Nova Scotia—*cont.*

- ....., conditions in, 340.
- ....., Council of examination of witnesses in case of Mrs. Buckler, 340 iii, v.
- ....., ....., minutes of, 112, 116, 116 i, 199, 340 iv, 384, 462, 462 v†.
- ....., Councillors, eldest appointed to Commission for settling boundaries of New Hampshire and Massachusetts, Bay, 426; *and see* Cosby, Alex; Mascarene Paul; Adams, John; Skene, William; Shirreff, William; Cope, Henry; Philipps, Erasmus James; How, Edward; Hamilton, Otho.
- ....., Deputy Surveyor of. *See* Amhurst, Edward; Mitchell, George.
- ....., French inhabitants, character of, 195, 199.
- ....., ....., influence of priests over, 340, 462, 462 ii, iii; *and see* St. Poncey; Cheveraux.
- ....., French relations with Indians of, 22 p. 15.
- ....., Government of, under Trustees, proposal for, 22 p. 14.
- ....., Harrington, 384 ii.
- ....., House of Representatives for, proposal for, 22 pp. 14, 15.
- ....., Indians, capture of Mrs. Buckler by, account of, 340.
- ....., ....., French intrigues with, 195, 199.
- ....., ....., importance of presents for, 112, 117, 195, 199.
- ....., inhabitants, English, number of, 112.
- ....., lands in, Governor Hart's proposal to settle, patent for, 199.
- ....., Lieutenant Governor of. *See* Armstrong, Lawrence.
- ....., Menis (Minis) Bason, grant of land at, 384 ii.
- ....., Norwich township, 384 i.
- ....., patents in, 384.
- ....., Pernaquid, Colonel Dunbar's withdrawal from, 375 ii (f).
- ....., Pobomecoys (Pobomecou), Indians, capture of Mrs. Buckler by, 340, 340 i-iii, v.
- ....., ....., Commission of enquiry sent to, 462 ii.
- ....., proposals for beginning of a Civil Government for, 282, 288 i.
- ....., ....., Captain Coram's observations upon, 288, 288 i.

Nova Scotia—*cont.*

- ....., Protestant Settlers for, details of Captain Coram's scheme for, 22.
- ....., ....., ....., estimate of charges and expense of transporting, 22 i, p. 15.
- ....., ....., ....., list of requirements for, 22 i, p. 16.
- ....., quit rents, proposal to pay in hemp and flax, 22 p. 13.
- ....., ....., proposed alteration in, 112.
- ....., regiment at, number of, 112, 384.
- ....., Roman Catholic priests in, complaint of conduct of, 340.
- ....., settlement of, list of Trustees for, 331.
- ....., Tiboque, Indians seize vessel at, 462 ii.

## O

- Ogle* ship, of Antigua, 152.
- Ordnance, Board of, list of stores for Leeward Islands, 60.

## P

- Palatine (Swiss), settlers for the Bahamas, proposal to encourage, 221 p. 144.
- Pall Mall* sloop, belonging to Governor Mathew, *Fleuron* seized by, 490 i, p. 379.
- ....., sailors of, embezzlement of *Fleuron* cargo by, 460 iv.
- PENNSYLVANIA, Act for the further securing the administration etc., 371.
- ....., Act imposing excise duty on wines, 120.
- ....., Act for the more effectual vesting and settling certain lands in George McCall, pursuant to the covenants and agreements of all the parties having any interest in the same, approved, 227.
- ....., ....., confirmation of, 310.
- ....., ....., Mr. Penn's opposition withdrawn, 310.
- ....., ....., referred, 198, 220.
- ....., ....., report upon, 240.

Pennsylvania—*cont.*

- ....., Acts of, to lie by, for six months, 240.
- ....., Charter of, 240.
- ....., laws affecting trade and shipping of Great Britain, reply to queries concerning, 120.
- ....., revenue of, 120.
- ....., trade of, freedom from duty on, 120.
- ....., transport of liquors by land to Virginia borders, 480 p. 359.
- Philipsburgh, Duke of Berwick's regiment at, 276.
- ....., ....., deserters from, in the Bahamas, 264 i, p. 164.
- PLANTATIONS, THE: Acts, private, in, to lie by for six months, 240.
- ....., appeals to Privy Council from, conditions governing, 335, 336.
- ....., Canary wine imported direct to, 437.
- ....., Commissions granted to private ships of war, complaint concerning, 59.
- ....., Commission or letter of marque for private men-of-war against Spain, 83, 83 i.
- ....., ....., instructions for holders of, 83 ii.
- ....., Commissions, orders, instructions concerning, information required, 43.
- ....., currency, emission of paper money in, 316.
- ....., Government of, form of, 214 i.
- ....., ....., powers of, 214 i.
- ....., Governors of, Instructions to, concerning Commissions for private ships of war, 59, 60 p. 35.
- ....., ....., instructions to, concerning Customs, 499.
- ....., ....., instructions for, memorandum of, 506.
- ....., ....., instructions on Trade and Navigation for, 437.
- ....., ....., additional instructions concerning form of prayers for the Royal Family, 304 i.
- ....., ....., powers of, queries concerning, 214, 214 i.
- ....., hemp and flax, cultivation by Swiss,, 238.
- ....., import trade of, to be carried in British ships, 497 i.
- ....., laws etc. affecting British Trade and Navigation, reply to queries from Virginia, 176.
- ....., merchants trading with, complaint against Act in New Jersey, 306 i.
- ....., ....., memorial from, 474.

Plantations, The—*cont.*

- ....., naval stores from, 313.
- ....., officers' fees and salaries, method of payment of, 325, 326, 327; and see New York; St. Christopher.
- ....., packets from, delay in delivering, 63, 72.
- ....., potash, bounty on urged, 235, 314.
- ....., ....., manufacture by Swiss in, 238.
- ....., President of Council acting as Governor, queries as to powers of, 214 i.
- ....., revenue of, question of nomination of officers relating to, 182.
- ....., seizures of British ships by French in, 473, 474, 474 i.
- ....., H.M. Ships in American Stations, conduct of officers of, 454 p. 328.
- ....., ....., enquiry concerning, 193.
- ....., ....., list of, 197 i.
- ....., ....., instructions for officers commanding, 440 i.
- ....., silk, cultivation of, by Swiss, in, 238.
- ....., state of trade and commerce in, list of representations upon, 101.
- ....., H.M. Surveyors General of Custom in, regulations for rank and precedence of, in Virginia, 30.
- ....., trade of, affected by French, 473, 474.
- ....., ....., interference by French with, memorial concerning, 495, 496.
- ....., vines, cultivation by Swiss of, 238.
- Plymouth, N.E., Council at, 375 ii (f).
- Poole, fishing ships of, in Newfoundland, 389 p. 278.
- ....., memorials and petitions from, concerning Newfoundland, 389 p. 281.
- Portobello, trade with Jamaica, 148 i, p. 92.
- Porto (Puerto) Rico, danger from pirates at, 190.
- ....., Governor of, preparations for attack on Sta Cruz, 329 p. 220.
- ....., threatened attack on Virgin Islands and Sta Cruz from, 405, 406.
- Port St. Peters, Judge of Admiralty at, Captain Caine cleared by, 457 iii.



Portugal, aid from Britain against Spain, 71.  
 ..... , English Consuls' and merchants' complaint concerning French fish from Newfoundland, 389 p. 280.  
 ..... , salt for Newfoundland from, 119 i (7).  
 ..... , salt for the Plantations from, 91.  
 ..... , salt for Virginia from, 409.  
 ..... , tobacco trade with Brazil, 31.  
 ..... , trade, illegal, with Newfoundland, 119 i (7), (48).  
 Pradhorne Fort, 381.  
 Prerogative of the Crown. *See under* separate Colonies.  
 PRIVY COUNCIL, THE: Lords of the Committee for Plantation Affairs, letter to, 8, 10, 19, 21, 27, 36, 54, 64, 82, 84, 107, 156, 178, 240, 260, 306, 339, 373, 465, 466, 477.  
 ..... , order of, 1, 2, 65, 67, 68, 69, 146, 147, 148, 172, 196, 198, 241, 295, 305, 356, 426, 483.  
 ..... , question of appeals to, from the Plantations, 335, 336.  
 ..... , report of, 278.  
 Privy Seal, H.M., 80.

## R

Redonda, a British island, 490 i, p. 379.  
 Rhine, The, 268.  
 RHODE ISLAND: *Act for ascertaining the rates of foreign coins etc.*, 369 i.  
 ..... , *Act for emitting of paper money and for raising of powder on the tonnage of shipping*, referred, 187.  
 ..... , Advocate General for. *See* Shirley, William.  
 ..... , Agent for. *See* Partridge, Richard.  
 ..... , Assembly of, proceedings of, concerning bills of credit and paper currency, 369 i, p. 255.  
 ..... , bills of credit, reply to queries on, 369, 369 i.  
 ..... , Charter of, 369 i.  
 ..... , coins currency, effect in Massachusetts Bay, 100 p. 55.  
 ..... , exchange with Massachusetts Bay, 369.  
 ..... , paper money, copy of remonstrance on answer to complaints concerning, 369 i.

Rhode Island, coins currency, paper money—*cont.*  
 ..... , information concerning, 363.  
 ..... , transactions with New York, 369 i.  
 ..... , Council and Officers in, list of, 280.  
 ..... , Councillors, appointment of eldest on Commission for settling boundaries of New Hampshire and Massachusetts Bay, 426.  
 ..... , Deputy Governor of. *See* Hazard, George.  
 ..... , fort at, cannon for, 8.  
 ..... , General Assembly, memorial on question of paper currency, to, 369 i (2).  
 ..... , Governor of. *See* Wanton, John; Jencks, Joseph; Cranston.  
 ..... , Governor and Company of, letter from, 185.  
 ..... , Justice of the Peace in. *See* Dyre, William.  
 ..... , laws, trade and manufactures affecting British Trade and Navigation, reply to queries concerning, 185.  
 ..... , negroes, imported, duty on, 185.  
 ..... , Providence, missionary at. *See* Brown, Arthur.  
 ..... , Public Notary of. *See* Martin, James.  
 ..... , Sugar trade, French interference with, 361.  
 ..... , trade with Leeward Islands, payment for, 329.  
 Riga, hemp seed for Massachusetts Bay from, 100.  
 ..... , hemp seed for New Hampshire from, 94.  
 Roebuck, H.M.S., Commander of. *See* Crawford.  
 ..... , in the Leeward Islands, 490 i, p. 382.  
 ..... , at Sta Lucia, 378.  
 Rotterdam, 268.  
 Rupert, H.M.S., seizure of, 71.

## S

*Saint André* of Leogane, Hispaniola, at Turk's Islands, 454 i.  
 St. Augustine, Agent at, provision for support of, 348 xiv.  
 ..... , capture and burning of, by Sir Francis Drake, 348 xv.

St. Augustine—*cont.*

- ....., claim to, by British and Spaniards, 348 xv.
- ....., fort at, attack upon, 391 i.
- ....., Fort of St. Francis de Dupo on Picalata River, Spanish gunner killed at, 157 iii.
- ....., Governor of. *See* Sanchez, Francisco del Moral.
- ....., ..... , complaint by, 391 i.
- ....., ..... , ..... , against Captain Mackay, 184, 376 p. 262.
- ....., Governor and Council of war at, British dispute over title to St. Simons, 349.
- ....., history of attack by British and Creek Indians upon, 348 xv, p. 241.
- ....., preparations for attack on Florida rumoured, 469.
- ....., Spanish at, 416, 422.
- ....., vessels at New York not to be cleared for, 338.

ST. CHRISTOPHER : one of the Leeward Islands, accounts of, 136.

- ....., Act, amending Act, 478.
- ....., Act appointing an impost upon liquors (1719), paid in sugar, 326.
- ....., ..... , repeal of, 326.
- ....., Act *continuing the duties of gunpowder etc.*, Governor's instructions to pass, 17.
- ....., ..... , report upon approved, 18.
- ....., Act *for continuing the duties upon wine, beer, cider, etc.*, appropriation of funds from, 326.
- ....., Act *to enable the publick to cut turf and sodd out of lands adjoining to Fort Londonderry, for repairing and finishing the said fort*, transmitted, 105.
- ....., Act *for establishing a Court of King's Bench and Common Pleas*, effect of, on Secretary's fees, 326.
- ....., Act *for giving an estate of inheritance in fee simple to such of the inhabitants of this Island as have built or shall build houses within the several fortifications of Brimstone Hill, Charles Fort and Fort Londonderry*, approbation of, 60 p. 35.
- ....., Act *for granting to H.M. a duty of eight shillings per poll on all negroes and slaves and for ascertaining and settling the salaries of the several officers etc.*, assent to, 326.
- ....., ..... , opinion upon, 481.

St. Christopher—*cont.*

- ....., Act *for granting a duty of 8s. per poll on negroes and 5 p.c. on rents of houses*, referred, 37.
- ....., Act *for obliging hawkers to take out licences*, transmitted, 40.
- ....., Act *to oblige all owners, renters or possessors of slaves to send a proportion of their slaves to work on the fortifications etc.*, transmitted, 135.
- ....., Act concerning officers' fees, Assembly's offer of £110 in lieu of £60, 464, 464 i.
- ....., Act, powder duty, Governor to assent to, 60 p. 38.
- ....., Act *to prevent abuses in importation of wheat, flour etc. and bottled liquors*, objection to, 186.
- ....., Act *for preventing trade in those parts between H.M. subjects and the French*, 361.
- ....., Act *for raising a levy*, referred, 50.
- ....., Act *for raising a tax on all negroes and other slaves*, effect of, 326.
- ....., Act *for reducing the fee of three shillings p. sheet taken by the Secy. as Clerk in Chancery for the copys of bills and answers in the said Court filed in the Secretary's Office and for appointing a more reasonable fee in the room thereof*, confirmation urged, 481.
- ....., ..... , criticism of, 326 p. 217.
- ....., ..... , observations upon, 60 p. 36.
- ....., ..... , referred, 37.
- ....., Act *for regulating seamen and sailors and obliging all masters of ships to take care of their sick seamen*, referred, 189.
- ....., ..... , transmitted, 40.
- ....., Act *for settling the limits of the several parishes etc., and for amending an Act for regulating vestries etc.*, confirmation of, 489.
- ....., ..... , referred, 436.
- ....., Act *for settling officers' salaries*, disallowance urged, 481.
- ....., Acts of, complaints concerning, by Wavell Smith and Savile Cust, 481.
- ....., Acts in force, affecting British trade and shipping, 136 vii.
- ....., Acts *raising funds for officers' fees*, enumeration of, 326.



St. Christopher—*cont.*

- ....., Acts of, enumerated, 319.
- ....., ....., opinion upon, 478.
- ....., ....., referred, 111, 205.
- ....., ....., report upon, 186.
- ....., ....., transcript of, 169 i.
- ....., Agent for, 60; *and see* Coope, Richard.
- ....., Assembly, Clerk of. *See* Smith, Wavell; Losack, James.
- ....., ....., minutes of, 135.
- ....., ....., journals of, Wavell Smith's failure to transmit, 60 p. 38.
- ....., ....., message to Council, 464, 464 i.
- ....., ....., resolution concerning Secretary's fees, 247 i.
- ....., Brimstone Hill, magazine blown up, 302.
- ....., Clerks in, employment of, 464.
- ....., climate of, unhealthiness of, 406.
- ....., coins, currency in, value of, 326.
- ....., Council of, journal of, 390.
- ....., ....., message from Assembly, 464, 464 i.
- ....., ....., minutes of, 296 p. 194, 464.
- ....., ....., ....., question of payment for transcribing, 93 i.
- ....., ....., ....., Mr. Smith's account for, 341.
- ....., ....., references to minutes concerning payments to Mr. Balaguier, 345 i.
- ....., ....., charges against, concerning officers' salaries, 326.
- ....., ....., question of Secretary's fees, 390.
- ....., Councillors. *See* Williams, John, Senior; Soulegre, Peter; Thomas, George; Lucas, George; Mathew, William, Junior.
- ....., Deputy Secretary of. *See* Wilson, Patrick; Walsh, D.; Balaguier, John; Frank, Mansell.
- ....., ....., receipts from, 169 i.
- ....., fortifications at, 105.
- ....., ....., enforced negro labour for, 136.
- ....., licences Duty accounts, 42 ii.
- ....., liquor duty account, 42 iii.
- ....., officers' fees in, dispute concerning, 464, 464 i, 481; *and see* Smith, Wavell.
- ....., powder duty and small arms, account of, 136 vi.
- ....., Powder Office accounts, 42 i.

St. Christopher—*cont.*

- ....., Puisne Judge in. *See* Thomas, Peter; Gregory, James.
- ....., St. Thomas Parish, Middle Island, abstract of births, marriages and burials in, 286 iii.
- ....., ....., rector of. *See* Merac, John.
- ....., sale of French lands in, 105.
- ....., Secretary's fees, 247, 390.
- ....., settlers for Sta Cruz from, 60 p. 35.
- ....., stores of war, 302.
- ....., ....., for Virgin Islands, sent from, 329 p. 220.
- ....., Treasurer of, accounts of, 42, 253, 253 i-ix; *and see* Burt, William Pym.
- ....., Trinity, Palmeto Point, abstract of births, marriages, and burials in, 286 iv.
- Sta Cruz, 168.
- ....., beef from, 51 i.
- ....., British sloops burnt at, 296 pp. 193, 194.
- ....., British title to, enquiry concerning, 51.
- ....., Danes at, 190.
- ....., ....., Spanish threats to, 406.
- ....., deserters from Leeward Islands to, 406.
- ....., ....., encouraged by Danes, 406.
- ....., evacuation of, French evasion of order for, 296 p. 193.
- ....., inhabitants from Leeward Islands remove to, 190.
- ....., sale of, by the French to the Danes, 60 p. 35, 382 i.
- ....., settlement of Danes on, effect on Leeward Islands, 329 p. 220.
- ....., settlers for, from St. Christopher and the Virgin Islands, 60 p. 35.
- ....., soldiers from the Leeward Islands desert to, 329 p. 220.
- ....., threatened attack on, by Spaniards, 329 p. 220.
- ....., uninhabited, 51 i.
- St. Domingo (St. Dominique), 152.
- ....., *Mercury* sloop taken for trial to, 221 iii, v.
- St. Eustatia, 329 p. 220.
- ....., coinage from Leeward Islands diverted to, 329.
- St. George's River, Indian lands at, dispute concerning, 375, 375 i, ii.
- ....., settlement by Mr. Waldo on, dispute with Penobscot Indians concerning, 365, 365 i, ii.
- ....., settlements on discouraged, 355.

- St. John's, 168.  
 ..... , French at Bay Verte, 116 ii (19).  
 ..... , settlements by Danes on, 60 p. 35.
- St. John's River, armed vessel on, 348 i, p. 235, 348 vii.  
 ..... , a boundary with Florida, 348 i, p. 235.  
 ..... , a boundary with Georgia, 349.  
 ..... , a boundary of Spanish possessions, 348 xv.  
 ..... , charges against priests at, 340.  
 ..... , limestone from Board of Ordnance for, 340.
- St. Juans, question of title to land at, 416.
- Sta Lucia, account of conditions and inhabitants in, 378, 378 ii.  
 ..... , British and French title to, 102, 103, 108.  
 ..... , cotton crop, 208, 275.  
 ..... , evacuation of, 108, 323.  
 ..... , ..... , agreement with French concerning, 208.  
 ..... , ..... , alleged evasion of order for, 102, 103, 290 i, ii.  
 ..... , ..... , French evasion of order for, 183 p. 121, 183 i, ii, 188, 188 i, iii, 293, 303, 378, 378 i, ii.  
 ..... , ..... , ..... , explanation of, 275.  
 ..... , ..... , proclamations concerning, 290 i.  
 ..... , French at, 382 i, 399.  
 ..... , ..... , increase in, 406, 438.  
 ..... , Pigeon Island Bay, number of inhabitants at, 378 ii.  
 ..... , H.M. Ships at, 208.  
 ..... , trade, illegal, with Barbados, 290 i, ii.
- St. Malo, *Fleuron*, French ship, from, 490 i, p. 377.
- St. Marks, garrison increased, 157 p. 101.
- St. Martin's Island, inhabitants from Leeward Islands remove to, 190.
- St. Simon, a part of H.M. Dominions, 344, 344 i, ii.
- St. Thomas, 168.  
 ..... , British title to, 382 i.  
 ..... , Danes at, 382 i.  
 ..... , inhabitants of, hunt on Sta Cruz, 51 i.  
 ..... , inhabitants from Leeward Islands remove to, 190.  
 ..... , settlements on, by Danes, 60 p. 35.
- St. Vincent, evacuation of, 108, 183 i, 188, 188 i, 275, 303.  
 ..... , ..... , Order for, evaded by French, 102, 103, 293.  
 ..... , ..... , French families on, 108, 399.  
 ..... , ..... , ..... , increase of, 438.  
 ..... , title to, British and French claims, 102, 103, 108.
- St. Wans River, a boundary of Spanish settlements, 348 xvi.  
 ..... , expedition of Tomachichee Mico to, 348 xvii.
- San Marcos, Spanish fort at, 391 i.  
 ..... , threatened attack on, 391 i.
- Savannah. *See under* Carolina, South.
- Savannah Town, on north side of river, South Carolina, 376 p. 268 ; *and see under* Carolina, South.  
 ..... , on south side of river, Georgia, 376 p. 268 ; *and see under* Georgia.
- Scipio* ship, seizure of, by French, 494 i, ii.
- Shark*, H.M.S., Commander of. *See* Symonds, Richard, Captain R.N.  
 ..... , at the Bahamas, 440 i, 454 ii.  
 ..... , Clerk of. *See* Townsend, Thomas.  
 ..... , seaman detained in, case of, 454 iii.
- Sheerness*, H.M.S., at Canso, 9.
- Ships, list of :—  
*Amity* sloop.  
*Ann* sloop.  
*Baltimore* brigantine.  
*Benjamin* brigantine.  
*Diamond*, H.M.S.  
*Dolphin* sloop.  
*Eagle Galley* snow.  
*Falkland*, H.M.S.  
*Faulconbridge*.  
*Fleuron*, French ship.  
*Fortune*, French ship.  
*Fox*, H.M.S.  
*Grampus*, H.M.S.  
*Hawk*, H.M.S.  
*Humility*, H.M.S.  
*Jesus Maria Joseph*, Spanish ship.  
*La Marie*, French sloop.  
*Mardenburg* sloop.  
*Mareschal d'Asfeldt*, French ship.  
*Margaret* sloop.  
*Mercury* sloop.  
*Micajah and Philip*.  
*Namure*, H.M.S.  
*Ogle*.  
*Pall Mall* sloop.  
*Roebuck*, H.M.S.  
*Rupert*, H.M.S.



Ships, list of—*cont.**St. André.**Shark*, H.M.S.*Sheerness*, H.M.S.*Shoreham*, H.M.S.*Simond.**Speedwell* sloop.*Squirrel*, H.M.S.*Torrington*, H.M.S.*Shoreham*, H.M.S., at Canso, 307, 320.*Simond*, ship, 149.Society for Propagating the Gospel,  
activities of, in the Plantations,  
194......, minister for New Hampshire  
requested, 194......, missionaries of, 194; *and see*  
Brown, Arthur.South Sea Company, contract for log-  
wood cutting in Campeachy  
Bay, 90.

....., trade with Jamaica, 148 i p. 92.

SPAIN AND THE SPANISH: attack on  
the Virgin Island feared, 405......, boundaries of, settlement of,  
348 xvi, xvii......, ..... , dispute with  
Georgia over, 349......, claims of, in South Carolina,  
422......, Commissions or letters of  
marque for private men of war  
against, 83 i, ii, iii......, complaint by, against South  
Carolina and Georgia, 391 i, 392,  
416, 421......, depredations of, in the  
Bahamas, 22......, encroachments of, in Georgia,  
348 i......, English consuls and mer-  
chants in, complaint concerning  
French fish from Newfoundland,  
389 p. 280......, Florida boundaries, dispute  
over, 348 i, p. 235, 348 ii, iii, 484......, Sir Francis Drake's capture of  
St. Augustine from, 348 xv.

....., in Georgia, danger from, 338.

....., ..... , intrigues with Indians,  
349......, ..... , troops from Havana,  
stoppage of supplies for, 338......, guarda costas of, at the  
Bahamas, 277......, Indian trade, rum supplied for,  
483 i, p. 375......, Indians, charges against British  
traders with, 157 i-iii; *and see*  
Sanchez......, ..... , friction with, in Georgia,  
157 p. 101, 348 vii, x, xii.Spain and the Spanish, Indians—*cont.*....., ..... , question of allegiance of,  
416.

....., ..... , trade with, 376 p. 264.

....., intrigues in the Bahamas,  
264 i, p. 164, 276, 277......, negro trade, with Jamaica,  
148 i, p. 92......, order to seize all British ships,  
71......, at Porto Rico, danger from,  
190......, rumours of plots in Georgia  
against British, 469......, rumoured attack on Sta Cruz,  
329 p. 220......, at St. Augustine, attack by  
British and Creek Indians  
against, account of, 348 xv,  
p. 241......, ..... , correspondence on dis-  
pute with Mr. Oglethorpe, 348,  
348 i-xviii......, St. Simon's Fort claimed by,  
421......, salt for Newfoundland from,  
119 i (7)......, seizure of *Mercury* sloop by,  
221 ii-vii, 222, 454 p. 329......, seizure of H.M.S. *Rupert* at  
Havana, 71......, seizure of ships in the Bahamas,  
complaint concerning, 79.

....., settlements of, 416.

....., ..... , boundaries of, 391 i.

....., ..... , danger from, 148 i.

....., ..... , on Alatomaha River,  
petition from Georgia concern-  
ing, 477......, ships seized by, 183 p. 118,  
346......, threatened attack on Sta  
Cruz and Leeward Islands, 406......, trade, illegal, with, in the  
Bahamas, 401 p. 288......, ..... , with Newfound-  
land, 119 i (7), (48)......, Treaty of Utrecht, alleged  
breach of, in South Carolina,  
348 xiii......, in West Indies, increase in  
settlements of, 183 p. 118.

Spanish Town, Council for, 406.

....., Council and Assembly for, 105.

....., form of Government for,  
60 p. 36......, Government by Deputy Gover-  
nor and Council, 168 p. 111......, inhabitants, unruly conduct  
of, 60 p. 36......, legislature for, 105, 168, 285,  
329 p. 226.

Spanish Town—*cont.*

- ....., murder at, question of procedure concerning, 406.
- ....., settlers for Sta Cruz from, 60 p. 35.
- ....., stores of war from St. Kitts for, 329 p. 220.
- ....., threatened attack upon, by Spaniards, 329 p. 220, 406.
- Speedwell* sloop, presents for Indians on board of, 311 i.
- Squirrel*, H.M.S., Mrs. Cosby on board of, 334.
- Straits, the, fish from Canso for, 450 i.
- Sugar Colonies, danger from French in, 102, 108, 293.
- ....., difficulties in competing with French, 204.
- ....., duties imposed on products of, address from Barbados concerning, 204.
- ....., lack of timber for, 190.
- ....., trade of, endangered by French, Spanish and Dutch West Indies, 22 p. 15, 183 pp. 118, 120, 454 p. 326.
- SWITZERLAND AND THE SWISS: Protestant settlers for the Plantations from, Agent of. *See* Jenner, Samuel.
- ....., conditions laid down by, 256.
- ....., deputation from, copy of, 238 i.
- ....., naturalization of, 238 i.
- ....., petition of, 238.
- ....., settlers for North Carolina from, 238, 244, 252, 465.
- ....., Captain Burrington's observations on, 268.
- ....., conditions for, 301.
- ....., journey and expenses of, 268.
- ....., proposals for, 271.
- ....., reply to, 270.
- ....., settlers for North and South Carolina, petition for land in, 238.
- ....., settlers for Virginia and North Carolina, petition concerning, 110.

T

- Torrington*, H.M.S., Commander of. *See* Parry, William.
- ....., in Newfoundland, 320, 389 p. 278.

- Tortola*, Act for punishing rebellious negroes and such of them as desert their master's services, and for the better encouragement of such of the Christian inhabitants or slaves as shall apprehend, or take any such rebels as run away, so that they may be brought to justice, passed by Governor Mathew, to lie by probationary, 60 p. 36.
- ....., Council for, 406.
- ....., Council and Assembly for, 105.
- ....., question of Act passed by, 60 p. 37.
- ....., Deputy Governor of, 329 p. 220.
- ....., form of Government for, 60 p. 36.
- ....., by Deputy Governor and Council, 168 p. 111.
- ....., inhabitants, unruly conduct of, 60 p. 36.
- ....., legislature for, 105, 168, 285, 329 p. 220.
- ....., murder committed in, no trial for, 329 p. 220, 406.
- ....., settlers for Sta Cruz from, 60 p. 35.
- ....., Spanish ship wrecked at, 406.
- ....., stores of war from St. Kitts for, 329 p. 220.
- ....., threatened attack by Spaniards upon, 329 p. 220, 406.
- Trade Board of, petty expenses of, 118, 224.
- Trade and Navigation of Great Britain, laws, manufactures and trade in the Plantations affecting, 61, 64, 136 iv, vii, ix, 211 i.
- ....., reply to queries from the Bahamas, 221, 221 viii.
- ....., from Barbados, 142, 142 iii.
- ....., from Bermuda, 221.
- ....., from Connecticut, 139.
- ....., from Maryland, 283.
- ....., from Rhode Island, 185.
- ....., from St. Christopher, 136 vii.
- ....., from Virginia, 176.
- ....., New York Act prejudicial to, 54.



TRADE AND PLANTATIONS : Council of, letters, instructions, representations from, concerning :—

Bahamas, 55, 107, 346, 439, 452.  
Barbados, 29, 231, 237, 293, 399, 491.

Bermuda, 57.

Carolina, North, 97, 104, 260, 301, 451, 465.

Carolina, South, 12, 13, 21, 130, 292, 339, 422, 446, 466.

Connecticut, 332, 332 i.

Forms of prayer in the Plantations, 304.

*Fortune and Fleuron*, 490, 490 i.

France and the French, 461.

Georgia, 421, 477.

House of Commons' addresses, 242.

Jamaica, 4, 15, 19, 26, 36, 84, 90, 148 i p. 92, 155, 178, 215.

Leeward Islands, 60, 217.

Massachusetts Bay, 27, 82, 83, 94, 100, 156, 218, 356, 387, 387 i, 426.

Montserrat, 10, 61, 412.

Newfoundland, 201, 324.

New Jersey, 64, 153, 154, 373.

New York, 54, 86, 95.

Nova Scotia, 112.

Office Accounts, 137, 281, 397.  
Office expenses and salaries, 30, 34, 374.

Packets from the Plantations, 63.

Pennsylvania, 240.

Plantations Affairs, 43.

Rhode Island, 8.

St. Christopher, 18, 114, 481, 489.

Sta Lucia, St. Vincent's and Dominico, 102, 109, 438.

St. Simon, 344 ii.

Spanish settlements, 421, 421 i.

Trade in the Plantations, 496.

Virginia, 91, 250, 409, 475.

Virgin Islands, 405, 406.

....., letters, instructions, orders, memorials, petitions, references to, concerning :—

Bahamas, 69, 79, 221, 221 i, 264, 277, 279, 401, 417, 430, 434, 454, 482.

Barbados, 51, 142, 183, 228, 290, 336, 396, 443, 479, 493.

Bermuda, 211, 441.

Carolina, 123.

Carolina, North, 20, 132, 141, 151, 192, 268, 388 i, 410, 456, 471.

Carolina, South, 2, 39, 45, 68, 146, 147, 157, 174, 246, 376, 381, 483.

Connecticut, 139, 300.

Captain Coram's memorial, 22.

French King's Edict, 488.

Trade and Plantations, Council of, letters, instructions, orders, memorials, petitions, references to, concerning—*cont.*

Georgia, 65, 348, 463.

*Humility*, case of, 457 i.

Jamaica, 1, 5, 67, 74, 124, 148, 200.

Leeward Islands, 136, 168, 190, 285, 325, 326, 329, 460.

Massachusetts Bay, 99, 234, 235, 257, 295, 311, 314, 351, 353, 365, 501.

Maryland, 269, 283.

Montserrat, 115, 431, 435, 473.

New England, 423.

Newfoundland, 389.

New Hampshire, 321, 448.

New Jersey, 299.

New York, 179, 180, 219, 273, 402 iii, 404, 408 ii, 411, 470, 476 i.

Nova Scotia, 117, 195, 340, 384, 462.

Packets from the Plantations, 72.

Pennsylvania, 120, 227, 371.

Protestant Settlements, 110.

Rhode Island, 185.

St. Christopher, 37, 186, 302, 319, 478.

Sta Lucia, St. Vincent's, Dominico, 108, 303.

St. Simon, 344 i.

Spanish affairs, 391.

Swiss settlers, 238, 252.

Trade in the plantations, 474, 495.

Virginia, 28, 28 i, 159, 171, 176, 182, 380, 472, 480.

....., list of representations by, 101.

....., office expenses, accounts of, 230.

....., Commissioners of, salaries of, 80.

Treasury, H.M. Lords Commissioners of, letter to, 34, 137, 230, 281, 374, 397.

....., purchase of the Bahamas considered by, 55.

Treaty of Peace and Neutrality (1686), extracts from, 296 i.

....., interpretation of, in Montserrat, 431.

Treaty of Neutrality, 5th Article, interpretation of, 490 i, pp. 378, 380.

....., 6th Article, explanation of, 490 i, p. 380.

....., terms of, 296, 473, 474.

....., French evasion of, 296 p. 193.

....., infringement of, 490 i, p. 379.

Turk's Islands, proposal to include in the Bahamas, 454 p. 326.  
 ..... , salt raking, by Bermuda at, 454, 454 i.  
 ..... , ..... , Bermuda sloop as protection for, 454 p. 326.

U

Utrecht, Treaty of, 9, 108, 119 i (62), 474.  
 ..... , ..... , alleged breach of, by Spaniards in South Carolina, 348 xiii.  
 ..... , ..... , boundaries in West Indies defined under, 391 i.  
 ..... , ..... , British title to Carolina and Georgia under, 348 xv.  
 ..... , ..... , interpretation of, 462 iii, iv.  
 ..... , ..... , possessions of Creek Indians under, 348 xv.  
 ..... , ..... , violation of, in Newfoundland, 324.  
 ..... , ..... , ..... , by French, 389 p. 278.  
 ..... , ..... , violation of 15th Article of, 446.

V

Vera Cruz, Governor of, letter to, 348 x.

VIRGINIA: An Act altering the laws now in force for the sale of goods taken in execution or distrained for rent, and for better preventing the fraudulent practices of tenants, explanation of, 480 pp. 360, 361.  
 ..... , Act amending Act for settling titles and bounds of lands, and for preventing unlawful shooting and ranging thereupon, confirmation of, 250, 263, 380 iii.  
 ..... , Act for appointing certain new public ferries, settling the rates of several old ones and altering several Court days, explanation of, 480 p. 364.  
 ..... , Act appointing a Treasurer and empowering him to receive the moneys in the hands of the late Treasurer, report upon, 182.

Virginia—*cont.*

..... , Act for better regulating and collecting certain officers' fees *etc.*, explanation of, 480 p. 361.  
 ..... , Act for the better regulation of the office of Surveyors of lands *etc.*, explanation of, 480 p. 362.  
 ..... , Act for the better support and encouragement of the College of William and Mary, confirmation of, 250, 263, 380 iii.  
 ..... , Act for building a bridge over Nottoway River, explanation of 480 p. 364.  
 ..... , Act, Castle duty (Port duty), explanation of, 28 i.  
 ..... , Act to confirm the Charter of the Borough of Norfolk and for enlarging the jurisdiction of the Court of Hustings in the City of Williamsburgh, explanation of, 480 p. 364.  
 ..... , Act for confirming and better securing the titles to lands in the Northern Neck, explanation of, 480 pp. 362, 363.  
 ..... , Act declaring who shall have a right to vote in the election of Burgesses *etc.*, explanation of, 480 p. 360.  
 ..... , Act depriving free negroes and mulattos of the privilege of voting at election of Burgesses *etc.*, explanation of, 308.  
 ..... , Act directing the tryall of slaves committing capital crimes and for the more effectual punishing conspiracies and insurrections of them and for the better government of negroes, mulattoes and Indians bound or free, criticism of, 182.  
 ..... , ..... , enquiry concerning, 216.  
 ..... , Act to dock the entail of certain lands whereof Lewis Burwell, Esq., is seised, and for settling other lands and slaves of greater value to the same use, 480 p. 364.  
 ..... , Act for encouraging the making of linen cloth (1730), suspended, 28.  
 ..... , Act concerning foreign debts (1663), repeal of, 28 i.  
 ..... , Act for further amending the Act for amending the staple of tobacco and for preventing frauds in H.M. Customs, explanation of, 480 p. 360.  
 ..... , Act giving exemption from payment of 2s. per hhd., explanation of, 28 i.



Virginia—*cont.*

- ....., Act for the greater ease and encouragement of sheriffs, explanation of, 480 p. 361.
- ....., Act to *impower the Vestry of St. John's Parish, in the County of King William, and the parish of Warwick in the County of Warwick, to sell several parcels of glebe land therein mentioned, and to purchase more convenient glebes in lieu thereof*, 480 p. 364.
- ....., Act for laying a duty upon liquors imported by land, and for better securing the duty upon slaves, explanation of, 480 p. 359.
- ....., Act for laying a duty on slaves etc. (1732), explanation of, 176 p. 114.
- ....., Act for laying a duty of three pence per gallon on imported liquors, explanation of, 176 p. 114.
- ....., Act for laying a duty of four-pence per gallon on liquors etc. (1726), for the support of William and Mary College, 176.
- ....., Act for lessening the allowances to witnesses in the County Courts, etc., explanation of, 480 p. 363.
- ....., Act for making reparation for tobacco lately burnt in Gray's Creek warehouse, explanation of, 480 p. 364.
- ....., Act for obliging apprentices to serve the time they shall be bound for, notwithstanding their infancy, explanation of, 480 p. 360.
- ....., Act for paying the wages of the Burgesses in money, for this present Session of Assembly, explanation of, 480 p. 363.
- ....., Act to prevent the cutting up of tobacco suckers, explanation of, 480 p. 362.
- ....., Act to prevent free negroes and mulattoes voting in elections, to lie by probationary, 409.
- ....., Act for preventing persons contracting small debts to remove their effects out of the county where they reside, etc., explanation of, 480 p. 361.
- ....., Act to prevent the retailing of strong liquors in the town of York, in small quantities, explanation of, 480 p. 364.
- ....., Act for priority of payment to county creditors (1664) repeal of, 28 i.

Virginia—*cont.*

- ....., Act for raising a public levy and for other purposes therein mentioned, explanation of, 480 p. 362.
- ....., Act for raising a public revenue (1680), description of, 176.
- ....., ...., Supplementary Act to (1710), 176.
- ....., Act for regulating the fees and accompts of the practitioners in Physick, explanation of, 480 p. 362.
- ....., Act for relief of certain persons who were sufferers in the loss of the Records of the County of Nansemond, explanation of, 480 p. 363.
- ....., Act for the relief of divers of the inhabitants of the parishes of Raleigh and Dale, explanation of, 480 p. 363.
- ....., Act for selling certain lands, with water-mill, and slaves of the estate of Joseph Allen, Gent. deceased, for the payment of his debts, 480 p. 364.
- ....., Act for settling the bounds of land and for preventing unlawful shooting and ranging thereon, clause in, 171.
- ....., Act, tobacco, 28.
- ....., Act to vest certain entailed lands etc. in Charles Tomlins, Gent. in fee simple etc., confirmed, 472, 475.
- ....., ...., referred, 467.
- ....., Acts of, approval of, 171.
- ....., ...., referred, 53.
- ....., ...., report upon, 182.
- ....., ...., transmitted, 480.
- ....., Assembly, Act (1705), Chap 34th of Session of, repealed, 28 i.
- ....., ...., journals of, 480.
- ....., ...., new, good disposition of, 380 iii.
- ....., ...., proclamation dissolving, 28 iii.
- ....., ...., prorogued, 480 ii.
- ....., boundaries, Commission to settle, 91.
- ....., ...., with North Carolina, 141 p. 85.
- ....., ...., of Northern Grant, Commissioners to settle, 380.
- ....., College of William and Mary, money for support of, 176.
- ....., Council, address from, 380 i.
- ....., ...., journal of, 28, 30.
- ....., ...., vacancies in, 106.

Virginia—*cont.*

- ....., Council and Assembly of, Lieutenant Governor's speech to, 380, 380 iii.
- ....., Councillors. *See* Armistead Henry ; Allen, John ; Willis, Francis ; Fitzhugh, Henry ; Harrison, Benjamin ; Lewis, John ; Churchill, Armistead ; Meriwether, Nicholas ; Burwell, Lewis, Junr. ; Carter, Charles ; Braxton, George ; Robinson, John.
- ....., Deputy Auditor of. *See* Blair, John.
- ....., Elizabeth River, town of Norfolk on, 480 p. 364.
- ....., fur trade, duty on exports, 178 p. 114.
- ....., General Assembly, free negroes and mulattoes not permitted to serve on or vote for, reasons for, 308.
- ....., Government of, good relations of, 30.
- ....., Governor of, Madeira wine for, exempt from duty, 480 p. 359.
- ....., Hanover County, tobacco in payment of debt to Surveyor, 480 p. 362.
- ....., House of Burgesses, address from, 380 ii.
- ....., iron works at, 28.
- ....., lands near the Great Mountains, Commission to settle Lord Fairfax's boundaries, 357.
- ....., ...., dispute concerning claim to, 91 ; *and see* Calvert, Charles ; Fairfax ; Penn.
- ....., ...., proposal to settle, 110, 409 ; *and see* Ochs, John.
- ....., ...., settlement and survey of boundaries of Lord Fairfax's claim, 274.
- ....., laws, manufacture and trade of, account of, 91.
- ....., ...., transmitted, 28.
- ....., ...., trade and manufacture of, affecting British trade, representation upon, 28 i.
- ....., liquors, duty on, 380 iii.
- ....., Militia, better regulations for recommended, 380 iii.
- ....., ...., proclamation concerning, 480 iii.
- ....., mines in, 91.
- ....., negroes, free, explanation of refusal of permission to vote or serve as Burgesses, 308.
- ....., ...., power of voting denied to, 182.

Virginia, negroes—*cont.*

- ....., ...., imported, question of duty on, 176 p. 114.
- ....., Northern Neck, grants of land in, validity of, 480 p. 363.
- ....., ...., settlement of Lord Fairfax's lands in, 158, 159.
- ....., Orange County, tobacco in payment of debt to Surveyor, 480 p. 362.
- ....., Potomack, Naval officers' list of entries and clearings at, 225, 507.
- ....., quit rents, account of, 28 iv.
- ....., ...., account of revenue from, 383 ii.
- ....., Receiver General of. *See* Grymes, John.
- ....., revenue of, 176.
- ....., ...., account of, 28 ii, 159 i, 383 i, 480 p. 365, 480 i.
- ....., ...., flourishing state of, 91.
- ....., salt for, 454 p. 327.
- ....., ...., from Portugal, 409.
- ....., ...., request for, 91.
- ....., settlements in, proposed conditions for, 110.
- ....., slaves, duty on, 480 p. 359.
- ....., Spotsylvania County, tobacco in payment of debt to Surveyor, 480 p. 362.
- ....., Surveyors General of H.M. Customs in America, instructions for rank and precedence of, 30.
- ....., tenure of land in, 133 p. 79.
- ....., tobacco, 410 p. 306.
- ....., ...., Captain Ball's proposal to improve, 31.
- ....., tobacco, duty of 1*d.* per pound on exports of, for College of William and Mary, 31.
- ....., ...., duty of 2*s.* pr. hhd. on, 176.
- ....., ...., explanation of, 176 p. 114.
- ....., ...., new proposals for manufacture from Captain Ball of Brazil, 28, 31.
- ....., tobacco trade, with Africa, 31.
- ....., ...., with European countries, 31.
- ....., trade of, with Great Britain, 28.
- ....., ...., with Madeira, 28.
- ....., ...., with West Indies, 28
- ....., William and Mary College, grant of export duty on tobacco for Plantations to, 31.
- ....., wine, manufacture of, 28, 409.
- ....., York Town, pottery at, 28.



Virgin Islands (Anguilla, Barbuda, St. John's, St. Thomas, Spanish Town, Tortola), Assemblies proposed for, 406.  
 ..... , composition of Government for, 60 p. 37.  
 ..... , Council established in, 406.  
 ..... , defence of, 406.  
 ..... , Government of, 60 p. 37.  
 ..... , Government set up in, by Governor Mathew, question of, 217.  
 ..... , harbours of, 382 i.  
 ..... , importance of, 382 i.  
 ..... , inhabitants of Leeward Islands remove to, 190.  
 ..... , ..... , proposal to settle on Crab Island, 190.  
 ..... , ..... , number of, 382 i.  
 ..... , judges visit in circuit, 60 p. 37.  
 ..... , lands in, form of tenure of, 406.  
 ..... , legislature for, 406.  
 ..... , Lieutenant Governor of, 329 p. 220.  
 ..... , power to appoint Lieutenant Governors for, 60 p. 37.  
 ..... , procedure in cases of murder committed in, 406.  
 ..... , proposal to appoint Justices of the Peace in, 60 p. 37.  
 ..... , threatened attack by Spaniards upon, 406.

Virgin Islands—*cont.*

..... , threatened attack on, from Porto Rico, 405.

## W

West Indies, settlements of, account of trade and conditions in, 399.

Woods, H.M., in the Plantations, in Mass. Bay N.E., draft of bill for preservation of, 362; *and see under separate Colonies.*

Woollen manufactures in Great Britain, trade of, with Barbados, 204.

..... , trade with the Plantations, 313.  
 ..... , trade with Massachusetts Bay, 235.

Works, Board of, letter to, 254, 309.

## Y

York, County of, lately Province of Maine, cutting down masts in, 352.







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